

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 5, 2005
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Dr. Nabil Seyam, Islamic Society of Wichita, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the March 22, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS:

Service Citations

Distinguished Service Citation was presented to Angeline Edmondson.

Proclamations

PROCLAMATIONS

The following Proclamation were read aloud and presented:

TARTAN DAY – Lee Elliott

BLACK CHURCH DAYS OF PRAYER FOR THE HEALING OF AIDS – Delores Porter and group

CRIME VICTIM'S RIGHTS WEEK – Rebecca Baker and group

P.A.N.D.A. MONTH – Linda Brantner, Junetta Everett, Amy Ellison, Mike Herbert, Lisa Ward, Kim Blair and Shana Gregory

RED HAT DAY – Connie Pearl and group

WRANGLERS PROFESSIONAL BASEBALL DAY – Eric Edelstein

KS Contractors

KANSAS CONTRACTORS' ASSOCIATION-ENVIRONMENTAL AND UTILITIES DESIGN AWARD.

David Odell from the Kansas Contractors Association presented the City, PEC and Dondlinger Construction their awards.

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PUBLIC AGENDA

ANIMAL CONTROL ANIMAL CONTROL AND MAIL DELIVERY:

- Joey Merritt Mr. Merritt stated that he is here today on behalf of the people in the Hilltop area. Stated that at his last neighborhood association meeting that they had with the postal service and animal control was in regards to the stray dogs running at large. Stated that the residents of Hilltop and the mail carriers should not have to worry about a stray dog attacking them. Stated that animal control has advised them that they do not have the funds or the manpower to go out on a call and respond in less than 30 minutes. Stated that the postal service is talking about putting lock mailboxes on the corners of the streets, which would solve their problems but not the residents. Stated that the Hilltop residents would like to keep this area safe for the residents to be able to walk down the street and not worry about getting bit and to keep their mail carriers delivering the mail to their doors. Stated that they are asking the Council to give whatever funds needed so that animal control can get the manpower that they need to control these stray dogs.
- Heath Kintzel Mr. Kintzel stated that he resides at 1141 S. Terrace, which is in the Hilltop area and that this community has some unique issues due to the density of the neighborhood. Stated that the problem regarding animal control presented itself as a mail delivery issue. Mail service was interrupted to the whole street of Boston because the mail carriers felt threatened. Stated that at the meeting that was mentioned earlier, the postal service and animal control came and presented these issues to their community and presented them with several options. Stated that it focused primarily on the mail delivery issue but what has not been addressed is the animal control issue. Stated that last summer he personally experienced a stray dog trying to attack him. Stated that he called animal control and the animal control officer informed him that the only way that they could capture that animal was to get another animal control officer on the scene and that maybe they could quarantine that animal into a fenced area and trap it and catch it. Stated that the problem was that it would be two to three hours before a second animal control officer could be on the scene to do this. Stated that he asked the responding office why he could not use his tranquilizer gun on the dog and was told that they could no longer use their tranquilizer guns to capture a menacing animal. Mr. Kintzel asked the City Council to level the authority that they have to aid animal control either with the resources or the authority necessary to take care of these dangerous animals to bring public safety back to the Hilltop community and other neighborhoods in Wichita.
- Mayor Mayans Mayor Mayans asked Kay Johnson, Director of Environmental Health to address this issue.
- Kay Johnson Director of Environmental Health stated that this was during a time period when they did not have their procedures in place with the tranquilizer guns and that now they should be able to address this. Stated that she would be glad to meet with the Hilltop residents and that in January they responded to 158 separate calls to this area and impounded 47 animals. Stated that they patrolled the area 21 times in February so that they have been taking action in this area.
- Council Member Brewer Council Member Brewer stated that there should probably be a committee to reevaluate the entire process and it could possibly be that the City is undermanned with the total number of animal control officers we have.
- Kay Johnson Director of Environmental Health stated that we currently have 12 field officers. Stated that they are not staffed 24 hours but that they are on call during the off hours from midnight to 7:00 a.m.

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BOB WEEKS

BOB WEEKS, AIR TRANS SUBSIDY.

Bob Weeks

Mr. Weeks stated that his opposition to the Air Tran subsidy is based upon the superior ability of free markets and free enterprise and allocating resources and capital. Stated that there are a couple of other reasons why we might want to oppose this Air Tran subsidy. Stated that the news reports are that this year between the City Council and some other entities, Air Tran will receive almost twice as much money as they did last year. Stated that some of the misleading economic impact statistics that the fair fares supporters claim do not make sense. Stated that he would like to see the City make decisions based upon reason statistics rather than some of these very distorted figures. Stated that airlines are undergoing a restructuring or reform of their airfares and eliminated the very high walk up fares for business people with the Saturday stay. Stated that we do not really know what airfares would be if Air Tran left town. Stated that he has done some research that looks at west bound fares versus east bound fares.

CONSENT AGENDA

Motion--carried

Mayor Mayans moved to approve the Consent Agenda as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 28 AND APRIL 4, 2005.

Bids were opened March 25 and April 1, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005 Contract Maintenance Area Concrete Street Repairs Phase 2 - north of 33rd Street South, west of Rock Road. (472-84149/132718/) Traffic to be maintained during construction using flagpersons and barricades. (District III, IV)

McFadden Construction - \$244,300.00 (Engineer's estimate)

Storm Water Drain #205 to serve Highland Springs 3rd Addition - south of 13th Street North, west of 135th Street West. (468-83637/751392/485283) Does not affect existing traffic. (District V)

Mies Construction - \$189,548.00

Magruder-Holland Water Main Replacement Project from Harry to Lincoln, between Waco and Market. (448-89811/634023/773194) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Duling Construction - \$486,654.00

2005 Sanitary Sewer Rehabilitation, Phase B various locations between 14th Street North & 31st Street South, and between Rock & Meridian. (468-83955/ 620428/ 665548) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, VI)

Insituform Technologies USA Inc. - \$260,663.40*

*Corrected.

2005 Sanitary Sewer Reconstruction, Phase 3 various locations between 31st Street South & 17th Street North and between Ridge & Webb. (468-83970/620429/665549) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, V, VI)

WB Carter Construction - \$163,231.00

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Eisenhower Court to serve Airport Industrial Park Addition south of Harry, west of Hoover. (472-84112/765908/490021) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Ritchie Paving - \$83,056.45

Water Distribution System to serve Woodland Lakes Estates 3rd Addition south of Lincoln, west of 127th Street East. (448-89787/735239/470910) Does not affect existing traffic. (District II)

Wilks Underground - \$52,588.00

Storm Water Sewer #583 to serve Copper Gate Estates Addition south of 13th Street North, west of 135th Street West. (468-83561/751379/485270) Does not affect existing traffic. (District V)

Wilks Underground - \$76,818.00

Storm Water Drain #156 to serve Sawmill Creek Addition north of 45th Street North, east of Rock. (468-83169/751391/485282) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$183,853.00

Wichita River Corridor Improvement Project and Cable-Stayed Pedestrian Bridges over the Confluence of the Big and Little Arkansas Rivers north of 2nd Street North, east of McLean Boulevard. (87TE-0176-01/472-82799/ 706556/ 715391/ 405209/242107) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Dondlinger & Sons - \$20,595,000.00 (Pending KDOT Approval)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Restrained Joint Pipe & Couplings.

Water Products Inc. - \$107,660.00* (Corrected Total/Group 1 Base Bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: Tricycle Type Street Sweeper.

Key Equipment & Supply Co. - \$232,450.00 (Group 1 Base Bid)

<\$ 42,000.00> (Group 1/Option 1 Deduct)

\$ 2,892.00 (Group 1/Option 4)

\$ 42,450.00 (Group 1/Option 6)

PUBLIC WORKS DEPARTMENT/BUILDING DIVISION: Wichita Skate Park Construction.

Commerce Construction Services Inc. - \$364,800.00 (Group 1/Base Bid)

\$ 66,845.00 (Group 1/Option 1)

\$ 2,464.00 (Group 1/Option 2)

\$ 5,056.00 (Group 1/Option 3)

\$ 8,325.00 (Group 1/Option 4)

\$ 10,074.00 (Group 1/Option 5)

\$ 2,118.00 (Group 1/Option 6)

\$ 2,174.00 (Group 1/Option 7)

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PARKS AND RECREATION DEPARTMENT/RECREATION DIVISION: Videx Security System.

SNC Inc. - \$49,998.05* (Group 1 – Total Net Bid)

*Contract awarded with increase quantity of Item 5 to 387 and with \$1,640.62 discount.

POLICE TRAINING DEPARTMENT: Lightweight Protective Body Armor Vests.

Baysinger Police Supply- \$62,097.50 (Group 1 – Total Net Bid)

*Estimate – Contract approved on unit cost basis; refer to attachments.

WATER AND SEWER DEPARTMENT/SEWAGE TREATMENT DIVISIONS: One hundred and forty four (144) Ultraviolet Lamp Assembly, 28", P/N 441144-028 @ \$240.00 each.

Trojan Technologies Inc* - \$34,560.00

*Purchases Utilizing Sole Source of Supply. Ordinance Number 35-856 Section 2. (b)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Miscellaneous Air, Fuel and Oil Filters.

Poorman Automotive Warehouse - 63.1% (Group 1 – Total Net Bid)

PARK DEPARTMENT/GOLF COURSE DIVISION: Fertilizer, Insecticides and Fungicides.

Quality Feed and Fertilizer* - \$12,120.00 (Group 30 – Total Net Bid)

*Award redirected.

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2005</u> | <u>(Consumption on Premises)</u> |
|--------------------------|-----------------------------------|-----------------------------------|
| Paul A. Eck | Family Home Association, Inc.* | 3202 West 13th Street |
| Jose A. Garcia | Garcia's Tacos* | 138 North Market |
| Scott L. Webb | Delano Barbecue Col, L.L.C.* | 710 West Douglas |
| Danny Vo | Lotus Garden Restaurant* | 2135 West 21st Street North |
| <u>Renewal</u> | <u>2005</u> | <u>(Consumption off Premises)</u> |
| Dzung Banh | KC Gas & Groceries #3 | 1955 South Washington |
| <u>New Establishment</u> | <u>2005</u> | <u>(Consumption on Premises)</u> |
| Gene Stevens | Joe Stevens Vending Inc.* | 5300 South Meridian |
| <u>Renewal</u> | <u>2005</u> | <u>(Consumption off Premises)</u> |
| Nilot Van Nguyen | Thai Binh Market | 1530 West 21st Street |
| <u>New Operator</u> | <u>2005</u> | <u>(Consumption on Premises)</u> |
| Daeana Sada | Grape Leaf Mediterranean Cuisine* | 7820 East Harry |
| <u>New Operator</u> | <u>2005</u> | <u>(Consumption off Premises)</u> |
| Edward J. Roitz | Fleming Convenience | 3935 North Broadway |

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Special Event April 9-10, 2005
Delfino Morillon Lienso Charro Santa Rosa 2200 North Broadway

Special Event - Wichita River Festival
Juanita Albert May 7, 2005 West Bank Stage

Special Event – Wichita River Festival: A Price Woodard Park
John E. Thien May 6-7-8, 2005 400 West Waterman
John E. Thien May 9-10-11, 2005 400 West Waterman
John E. Thien May 12,13,14, 2005 400 West Waterman
John E. Thien May 13, 2005 West Bank Stage

Special Event – Wichita River Festival: Food Court
Patrick J. Audley May 5,6,7, 2005 225 West Douglas
Patrick J. Audley May 8,9,10, 2005 225 West Douglas
Patrick J. Audley May 11,12,13, 2005 225 West Douglas
Patrick J. Audley May 14, 2005 225 West Douglas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion-- Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried
--carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) 21st Street North Bridge over West Branch of Chisholm Creek-21st Street North, east of Broadway. (87N-0240-01/474-83933/715699/636113/244115/772510) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$891,500
- b) Bickel from 9th to 8th Streets North; 8th Street North from Bickel to Gow; Gow from 8th Street North to Murdock, and relocate the water line on Gow to serve Sunnyside Gardens, King's 8th Street, and Bolan Additions – north of Central, east of Zoo Boulevard. (472-84062/488-90041/765904/636141/490017/775535) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$267,750
- c) Camden Chase from the east line of Loch Lomond to the east line of Lot 14, Block 5; Rosemont Court serving Lots 7 through 17, Block 4 from the east line of Rosemont to and including the cul-de-sac; Loch Lomond Court serving Lots 30 through 42, Block 4, from the west line of Loch Lomond to and including the cul-de-sac; Camden Chase/Loch Lomond from the east line of Williamsgate to the north line of Lot 42, Block 4 (Phase 2) to serve Hawthorne 3rd & Krug North Additions – north of 21st Street North, east of 127th Street East. (472-84081/765913/490026) Does not affect existing traffic. (District II) - \$66,532
- d) Wichita WaterWalk East Riverbank Public Improvements – Sheet Pile Construction – north of Kellogg, east of Arkansas River. (472-84200/792422/435352) Area to be closed to through traffic. (District I) - \$210,000
- e) Storm Water Drain #223 to serve Auburn Hills 15th Addition – north of Kellogg, west of 135th Street West. (468-83759/751359/485250) Does not affect existing traffic. (District V) - \$208,060

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- f) Bluelake, 31st Street South, and Bolin Drive from the south line of Lot 15, Block D, north, east and south to Sabin; Sabin from the southwest line of Bolin Drive south to the north line of Lot 61, Block D; Bluelake Court (Lots 84 thru 100, Block A, from the west line of Bluelake west to and including the cul-de-sac; Bluelake Court (Lots 101 thru 117, Block A), from the west line of Bluelake west to and including the cul-de-sac; Sabin Court from the west line of Sabin, west to and including the cul-de-sac and south to and including the cul-de-sac; Sidewalk along one side of Bluelake, 31st Street South, Bolin Drive and Sabin to serve Blue Lake Addition - west of West Street, north of MacArthur. (472-84074 /765905/490018) Does not affect existing traffic. (District IV) - \$965,000
- g) Blade from the center of Reserve E to the east line of Sawmill Creek Addition; Mill Run from the east line of Lot 16, Block 4 to the south line of Blade; Scragg Circle from the south line of Blade to and including the cul-de-sac; Scragg from the north line of Blade to the east line of Sawmill Creek Addition; Blade Court from the north line of Blade to and including the cul-de-sac; Sidewalk on one side of Mill Run and Blade to serve Sawmill Creek Addition - north of 45th Street North, east of Rock. (472-84123 /765921/490034) Does not affect existing traffic. (District II) - \$409,000
- h) Lateral 347 Four Mile Creek Sewer to serve Woodland Lakes Estates Addition - north of Harry, west of 127th Street East. (468-83590/744108/480796) Does not affect existing traffic. (District II) - \$74,000
- i) 36 Inch Water Line in 1st Street from Meridian to McComas (448-90042/635663/765716) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$1,600,000
- j) Storm Water Drain #224 to serve Avalon Park 2nd Addition-north of 37th Street North, west Tyler. (468082750/751374/485265) Does not affect existing traffic. (District V)-\$300,000
- k) Wichita WaterWalk Public Improvements Phase 1-Construction of South Streets-north of Kellogg, east of Arkansas River. (472-84132/448-90050/468-83962/79242/635664/622094/435352/765717/675126) Area to be closed to through traffic. (District I)-\$1,462,200
- l) N. 127th Court E. from the east line of The Fairmont 3rd Addition west to and including the cul-de-sac to serve The Fairmont 3rd Addition-west of 127th Street East, north of 21st Street North- (472-84136/765919/490032) Does not affect existing traffic. (District II)-\$112,000
- m) West 56th Circle S. from the west line of Minnie Avenue west to and including the cul-de-sac; Wayne Circle from the west line of Minnie Avenue west to and including the cul-de-sac to serve My House Addition-south of 55th Street South, west of Broadway. (472-8409/765903/490016) Does not affect existing traffic. (District IV)-\$135,300
- n) Storm Water Drain #235 to serve My House Addition-south of 55th Street South, west of Broadway. (468-83836/751382/485273) Does not affect existing traffic. (District IV)-\$165,000
- o) Lateral 2, Main 11, Sanitary Sewer #23 to serve Sawmill Creek Addition, north of 45th Street North, east of Rock) (468-83171/744101/480789) Does not affect existing traffic. (District II)-\$120,750
- p) Water Distribution System to serve Sawmill Creek Addition (north of 45th Street North, east of Rock) (448-90022/735234/470905) Does not affect existing traffic. (District II)-\$100,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed Motion carried 7 to 0.

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PETITIONS

PETITIONS FOR PUBLIC IMPROVEMENTS:

KRUG NORTH ADD. PAVING, SANITARY SEWER AND DRAINAGE SYSTEM TO SERVE KRUG NORTH ADDITION AND EAST SIDE COMMUNITY CHURCH SECOND ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0265

On April 13, 2004, and July 20, 2004, the City Council approved Petitions for street paving, drainage improvements, and sanitary sewer systems in Krug North Addition. The developer has submitted new Petitions to reallocate special assessments to equalize total assessments within the development and reflect recent platting activity. The signatures on the petitions represent 100% of the improvement districts.

These projects will serve a new residential development and church building located north of 21st, west of 143rd Street East.

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-165

Resolution of findings of advisability and Resolution authorizing construction, of lateral 365, Four Mile Creek Sewer, (north of 21st, west of 143rd Street East) 468-83788, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-166

Resolution of findings of advisability and Resolution authorizing construction of lateral 366, Four Mile Creek Sewer, (north of 21st, west of 143rd Street East) 468-83789, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-167

Resolution of findings of advisability and Resolution authorizing construction of lateral 367, Four Mile Creek Sewer, (north of 21st, west of 143rd Street East) 468-83790, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-168

Resolution of findings of advisability and Resolution authorizing improving storm water drain number 227, (north of 21st, west of 143rd Street East) 468-83792, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 05-169

Resolution of findings of advisability and Resolution authorizing improving storm water sewer number 604, (north of 21st, west of 143rd Street East) 468-83794, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-170

Resolution of findings of advisability and Resolution authorizing improving a two-lane asphalt mat on 143rd street east, from the north line of 21st street north to the north line of 24th street north, (north of 21st, west of 143rd Street East) 472-83979, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

OAK CLIFF ESTS.

WATER DISTRIBUTION SYSTEM FOR PART OF LOT 1, BLOCK 1, OAK CLIFF ESTATES FOURTH ADDITION, NORTH OF MAPLE, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-0266

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to an undeveloped tract located north of Maple, west of Maize.

The Petition totals \$25,000, with the total paid by special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-171

Resolution of findings of advisability and Resolution authorizing construction of a Water Distribution System No. 448-90040 (north of Maple, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

VAN VIEW ADD.

CONSTRUCTION SANITARY SEWERS TO SERVE LOT 132, VAN VIEW ADDITION, WEST OF SENECA, NORTH OF 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0267

The Petitions has been signed by three owners, representing 100% of the improvement districts.

The project will provide sanitary sewer service to two undeveloped tracts located west of Seneca, north of 53rd Street North.

The Petitions total \$15,192. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

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Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-172

Resolution of findings of advisability and Resolution authorizing construction of Lateral 111, Sanitary Sewer No. 23 (west of Seneca, north of 53rd Street North) 468-83916, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-173

Resolution of findings of advisability and Resolution authorizing construction of Lateral 112, Sanitary Sewer No. 23 (west of Seneca, north of 53rd Street North) 468-83917, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

MEDITERRANEAN

CONSTRUCT A SANITARY SEWER TO SERVE PART OF LOT 1, BLOCK 1, MEDITERRANEAN OFFICE PARK ADDITION, NORTH OF 29TH STREET NORTH, WEST OF WEBB. (DISTRICT II)

Agenda Report No. 05-0268

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer service to an undeveloped commercial tract located north of 29th Street North, west of Webb.

The Petition totals \$12,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-174

Resolution of findings of advisability and Resolution authorizing construction of Lateral 88, Main 22, War Industries Sewer (north of 29th Street North, West of Webb) 468-83983, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WALNUT GROVE

CONSTRUCT A SANITARY SEWER TO SERVE PART OF LOT 16, WALNUT GROVE ADDITION, WEST OF ARKANSAS AVENUE, SOUTH OF 35TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0269

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will provide sanitary sewer service to a home at 1131 W. 35th Street North.

The Petition totals \$12,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-175

Resolution of findings of advisability and Resolution authorizing construction of Lateral 147, Main 4, Sanitary Sewer No. 23 (west of Arkansas, south of 35th Street North) 468-83973, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CHERYL'S HOLLOW SANITARY SEWER IMPROVEMENTS FOR COPPER GATE NORTH AND CHERYL'S HOLLOW ADDITION, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0270

The Petitions have been signed by two owners, representing 100% of the improvement districts.

These projects will provide sanitary sewer service to new residential developments located north of 13th, west of 135th Street West.

The Petitions total \$629,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-176

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 4, Northwest Interceptor Sewer, (north of 13th, west of 135th Street West) 468-83907, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-177

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 4, Northwest Interceptor Sewer Cheryl's Hollow Addition (north of 13th, west of 135th street west) 468-83937, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-178

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 4, Northwest Interceptor Sewer (north of 13th, west of 135th Street West) 468-83974, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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VALLEY ACRES

CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR PART OF LOT 6, VALLEY ACRES ADDITION, NORTH OF 11TH STREET, WEST OF ST. PAUL. (DISTRICT VI)

Agenda Report No. 05-0271

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide water service to a vacant residential tract located north of 11th, west of St. Paul.

The Petition totals \$4,500 with the total paid by special assessment.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-179

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90064 (north of 11th, west of St. Paul) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ADVIS. BOARD

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Employees Retirement System, January 19, 2005
Police and Fire Retirement System, January 26, 2005
Wichita Employees/Police & Fire Retirement Board, February 3, 2005
Wichita Airport Advisory Board, February 7, 2005
Wichita Public Library Monthly Report, February 2005
Wichita Public Library, February 15, 2005
Housing Advisory Board, February 15, 2005

Motion--carried

Mayans moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES

There were no street closures to consider.

EXPENSE REPORT

EXPENSE FOR SENIOR MANAGEMENT FOR MONTH OF FEBRUARY 2005.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

CLAIMS

REPORT ON CLAIMS ALLOWED FOR THE MONTH OF FEBRUARY 2005:

| Name of Claimant | Amount |
|------------------|-------------|
| Brusso, Jennifer | \$4311.50** |
| Glass, Lancansa | \$693.11 |
| Rohr, Marian M. | \$137.00 |

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

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SETTLEMENT

SETTLEMENT OF LITIGATION – CASE NO. 03 CV 2854. (DISTRICT V)

Agenda Report 05-0324

In July 2002 the City of Maize filed suit against the City of Wichita seeking to enjoin the City of Wichita from completing two unilateral annexations that it initiated in the spring of 2002. The basis for Maize's lawsuit was that it had consensually annexed several of the properties that Wichita was trying to unilaterally annex. Wichita argued that Maize's consensual annexations were invalid because of mistakes in legal descriptions and the process followed by Maize and because state law permits Wichita to complete its unilateral annexations. After a trial in the Sedgwick County District Court, Judge Richard Ballinger entered an injunction against the City of Wichita preventing it from completing annexation of those properties that had been consensually annexed by Maize. The City of Wichita appealed that ruling to the Court of Appeals and the case is set for oral argument on April 12, 2005.

Negotiations between staff of both cities has resulted in a boundary line that appears to serve the immediate and long-range purposes of both cities. In addition, the staffs have developed a process that will allow the City of Wichita Sewer Utility to provide sewer services to certain areas annexed by Maize in 2002 and in other areas that the parties agree should be within Maize's area of growth in the future. Finally, the staffs have agreed on a procedure for clearing up jurisdiction of the arterial streets (Maize Road, 37th Street and 119th Street) between the two cities. A settlement agreement has been prepared to reflect these negotiations. That settlement agreement has been approved by the City of Maize. In addition, an interlocal agreement has been prepared which contains the mechanisms to give effect to the City of Wichita's ability to provide sewer service as discussed above. It is necessary to submit the interlocal agreement to the Attorney General's Office for its approval. As a predicate to the adoption and approval of the interlocal agreement the City of Wichita and the City of Maize need to adopt ordinances enabling the cities to enter into the agreement.

There are no direct financial considerations related to the defining of a boundary line between the two cities. The ability of the City of Wichita Sewer Utility to capture service within the City of Maize and in areas that will be annexed by Maize in the future is a direct financial benefit to the Utility. All of these areas were part of the defined area to be served by the northwest sewage treatment plant at 135th and 37th Street North. Without the settlement, these areas would be served by Maize. In addition, the Utility will receive outside-the-City rates for all such service.

The Law Department has approved the proposed Settlement Agreement; the Interlocal Agreement and the ordinance authorizing the City to enter into the Interlocal Agreement as to form.

Motion--

Mayans moved that the Settlement Agreement and the Interlocal Agreement be approved and the Mayor authorized to sign. The City Attorney be authorized to take appropriate steps to settle the pending litigation upon execution of the Settlement Agreement and the Interlocal Agreement by the City of Maize and the approval of the Interlocal Agreement by the Attorney General. The ordinance authorizing the City to enter into the Interlocal Agreement be placed on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita to enter into an Interlocal Agreement with the City of Maize relating to the provision of sewer service by the City of Wichita to areas inside the city limits of the City of Maize, introduced and under the rules laid over.

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AGREEMENTS/CONTRACTS:

WOODLAND LAKES RESPREAD ASSESSMENTS: WOODLAND LAKES ESTATES FOURTH ADDITION, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0272

The landowner, International Trading, Inc., has submitted an Agreement to respread special assessments within Woodland Lakes Estates 4th Addition.

The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot, therefore, distributing the cost of the improvements more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

There is no cost to the City.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PAWNEE PROJECT CONSULTANT SERVICES FOR ACQUISITION AND RELOCATION: PAWNEE WIDENING PROJECT. (DISTRICT III)

Agenda Report No. 05-0273

The widening and improvement of Pawnee between Washington and Hydraulic will require the acquisition of 12 tracts. These tracts require acquisition and relocation. The tracts include both residential and commercial properties. Residential relocation is very labor intensive. With current staffing levels and project timing, relocation assistance is required.

Proposals to provide acquisition and relocation services were solicited from qualified firms. Three firms responded to the request for proposals. Land Acquisitions, Inc. was selected from among the proposals by the review committee based on qualifications and the lowest cost. Based on their proposal, it is estimated that \$27,000 will be sufficient to complete the assignment.

Funding is available within the project budget to fund the proposed increase. Project costs will be funded with general obligation bonds.

Motion--carried

Mayans moved that the necessary signatures be authorized. Motion carried 7 to 0.

RIVERSIDE PARK IMPROVEMENTS TO PARKING LOT IN RIVERSIDE PARK. (DISTRICT VI)

Agenda Report No. 05-0274

The Council approved major modifications to the Riverside Park System in the CIP. On November 14, 2000, the City approved an agreement with Wilson Darnell Mann P.A. (WDM) to design the improvements. The Contract for Architectural Services with WDM lists the construction related services which the design team will provide, and includes the phrase, "Should the project scope or budget be revised upward at any point during the process, the design team will be compensated accordingly through supplemental agreement(s)."

The Riverside Park project included the construction of a new 187 stall parking lot on the east side of Nims for people using the park. The desire of Park Department and the Riverside community was to minimize the amount of pavement in the park, so the parking lot was designed with about 1/3 (64 stalls)

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constructed from concrete, while the remaining 2/3 (123 stalls) was constructed using grass-pave. This is a plastic "egg crate" material, which is filled with sod to give an attractive grass surface with sufficient durability for occasional vehicular traffic. This area was planned as overflow parking for special events only.

The renovated park with its many new amenities quickly became more popular with the public than was anticipated, and the parking lot was consistently used by more vehicles than could be contained on the concrete areas. The grass-pave area was unable to handle the abuse of constant vehicular traffic, so it quickly became very worn with areas of dead grass and exposed dirt.

This Supplemental Agreement between the City and WDM provides for the design and preparation of bid documents to convert the center portion of the parking lot, including 55 stalls, from the existing grass-pave to concrete with appropriate drainage. The construction will be bid, and the construction contract will be brought to Council for approval. However, the Supplemental Agreement does include the architect's services for inspection, field staking, administration and testing during the construction process. The fees for work included in the Supplemental Agreement are as follows:

| | |
|--|-------------|
| Services performed during the construction phase (If construction is not approved, these services will not be required and the city will not be charged.) | \$10,400.00 |
| Architectural services for Design, Construction Documents and Bidding Services performed during the construction phase. | 5,160.00 |
| Total services included in the Supplemental Agreement. | \$15,560.00 |

All fees will be paid from project funds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

BLUE LAKE ADD.

STAKING IN BLUE LAKE ADDITION, WEST OF WEST STREET, NORTH OF MACARTHUR. (DISTRICT IV) – SUPPLEMENTAL.

Agenda Report No. 05-0275

The City Council approved the paving improvements in Blue Lake Addition on September 14, 2004. On October 19, 2004 the City approved Agreements with Baughman Company, P.A. to design the improvements. The Design Agreements with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreements between the City and Baughman provides for staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$15,980, and will be paid by special assessments.

The Supplemental Agreements has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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HIGHLAND SPRINGS STAKING IN HIGHLAND SPRINGS THIRD ADDITION, WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (DISTRICT II) – SUPPLEMENTAL.

Agenda Report No. 05-0276

The City Council approved the storm water drainage improvements in Highland Springs 3rd Addition on January 1, 2005. On March 22, 2005 the City approved Agreements with Baughman Company, P.A. to design the improvements. The Design Agreements with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreements between the City and Baughman provides for staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Baughman will be on a lump sum basis of \$4,860, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures authorized.
Motion carried 7 to 0.

FOUR MILE CREEK FOUR MILE CREEK NORTH PUMP STATION. (DISTRICT II) – SUPPLEMENTAL.

Agenda Report No. 05-0277

On October 22, 2002, the City entered into an Agreement with Ruggles & Bohm, P.A. (R&B) for designing a sanitary sewer lift station, gravity sewer lines to the lift station, and a force main from the lift station to the Four Mile Creek Sanitary Sewage Treatment Plant, to address capacity issues for the area to the north of Crestview Country Club. The fee was \$137,198. On May 18, 2004, the City Council approved Supplemental Agreement No. 1, for additional design services to design a sanitary sewer across the Crestview Country Club property. This alignment was required due to unsuccessful attempts to obtain an easement for construction of a new lift station on the north side of 13th Street, between 127th Street East and 143rd Street East. The fee for the development of the plans was \$93,798. On January 4, 2005, the City Council approved Supplemental Agreement No. 2, for a study of alternate routes for the area north of the Crestview sewer project, more specifically to study the developing areas north of Crestview Country Club. The fee was \$5,000.

R&B has been asked to design a pedestrian crossing for Crestview Country Club to replace the structure that will be removed for sanitary sewer construction. The proposed Supplemental Agreement provides for the additional services.

Payment to R&B will be on a lump sum basis of \$16,740, and will be paid by Revenue Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

CITY POOLS AREA LIGHTING AT NINE CITY POOLS. (DISTRICTS I, IV, V, & VI) – SUPPLEMENTAL.

Agenda Report No. 05-0278

On May 4, 2004, the City entered into an Agreement with K.E. Miller Engineering, P.A. for designing area lighting at nine City pools for a design fee of \$22,000. On February 1, 2005, the City Council approved Supplemental Agreement No. 1, to study the existing lighting and prepare design plans for an upgraded lighting system for the West Side Athletic Fields. The fee was \$6,500.

The Design Agreements with K.E. Miller requires K.E. Miller to provide construction engineering services if requested by the City. The proposed Supplemental Agreements between the City and K.E. Miller provides for electrical engineering services as required during the construction of the project.

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Payment to K.E. Miller will be on an hourly basis with a maximum fee not to exceed \$2,250, and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

DRUG TASK FORCE DRUG ENFORCEMENT ADMINISTRATION TASK FORCE.

Agenda Report No. 05-0279

The Wichita Police Department will be participating in a joint federal task force through the DEA. Police Department detectives will be assisting the task force for a special assignment. These detectives will supplement two detectives currently assigned to a joint DEA task force under an October 1, 2002 agreement.

The DEA will reimburse the Police Department for overtime incurred by the detectives assisting the task force and for the two detectives currently assigned to a joint DEA task force.

The City of Wichita will be reimbursed by the DEA for overtime incurred by the detectives assisting the joint task force, dependent on the number of hours worked, up to \$40,000. In addition, the DEA has agreed to reimburse the Police Department for up to \$29,340 in overtime for DEA task force assigned detectives. The DEA task force agreement updates an October 1, 2002 agreement regarding the amount of overtime that will be reimbursed. In both cases, there is no City match required.

The agreement will be reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the agreements be approved; the additional grant expenditures authorized and the necessary signatures authorized. Motion carried 7 to 0.

CHANGE ORDER WAR INDUSTRIES RELIEF SEWER, ALONG GYPSUM CREEK BETWEEN HARRY AND ROCK. (DISTRICT II)

Agenda Report No. 05-0280

On July 20, 2004 the City Council approved a construction contract to build a relief line paralleling the War Industries Sewer along Gypsum Creek, between Harry and Rock. While most of the construction is in the creek bank area, a part of the work is under existing paved streets. The amount of pavement restoration needed, due to the poor pavement condition, exceeds the amount expected at the time the project was designed.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$102,194 with the total paid by the Sewer Utility. The original contract is \$2,530,420. This Change Order plus previous Change Orders represents 4.04% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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**PROPERTY ACQUIS. PART OF 4820 EAST CENTRAL FOR CENTRAL: OLIVER TO WOODLAWN.
(DISTRICTS I AND II)**

Agenda Report No. 05-0281

On November 4, 2003 City Council approved a project to improve Central, between Oliver and Woodlawn. The improvement plans call for partial acquisitions of seven parcels. One acquisition at 4820 E. Central requires a 400 square foot strip take of land. The property is a multi-tenant occupied building situated on a 13,939 square foot site.

The property owner has agreed to accept \$11,450.00. \$4,000 for the acquisition, \$250 for the temporary easement and \$7,200 for cost-to-cure items and damages to the two signs and planter boxes on the property. The building improvements will not be impacted by this acquisition.

The funding source for the City share of the project is General Obligation Bonds with Federal monies. A budget of \$11,900 is requested. This includes \$11,450 for the acquisition, and \$450 for the title insurance.

Motion--
--carried

Mayans moved that the Budget be approved; the Real Estate Purchase Contracts approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQUIS. EMINENT DOMAIN OF A TRACT REQUIRED FOR THE PAWNEE AND WASHINGTON INTERSECTION IMPROVEMENT PROJECT. (DISTRICT III)

Agenda Report No. 05-0282

On October 21, 2003, the City Council approved the improvement of the intersection of Pawnee and Washington. The project will require the acquisition of several parcels of land and easements. One of the required acquisitions is a 17.5-foot wide strip along the north edge of 1027 East Pawnee. The parcel has 17,656 square feet and is improved with a 2,400 square foot concrete block facility. It is currently configured for automobile service. The project will require 2,472 square feet of the site. While the acquisition does not physically impact the building, the overhead access doors will need to be relocated to the south side of the structure due to proximity to the street.

City staff has been attempting to negotiate a purchase of the identified property but has been unable to reach an agreement with the owner. The tract was appraised at \$42,250. This amount includes payment for the land plus funds to pay to relocate the access doors. The owner's counter proposal was that the City give them the 28,385 square feet that the City is acquiring at 1001 East Pawnee and \$850,000 to build a new building on the reconfigured site. It is his preference that the City finance the new construction. Staff will continue to negotiate with the owners, but due to the owner's wishes, eminent domain proceedings need to be initiated.

The cost of this acquisition will be paid for by the City at large.

Motion--

--carried

Mayans moved that the resolution be adopted; the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-180

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned Pawnee and Washington Intersection improvement project. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Intersection of Pawnee and Washington, in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

DAMAGE CLAIMS

APPROVAL OF DAMAGE CLAIMS.

Agenda Report No. 05-0283

Southwestern Bell has two claims of trunk line damage resulting from City crews working on water and sewer repairs and original installations. Each relates to damage caused by directional boring under City streets used in an attempt to install water service without the necessity of closing a street or alley for construction, and the trenching of those passageways to lay water pipe.

Southwestern Bell and the City of Wichita are, and will continue to remain, partners in the provision of essential services to the residents of the City of Wichita. Each entity properly has facilities under the street right of way, that occasionally conflict. The claims presented are attributed to the cost of outside contractors skilled in the repair of the older, non-color-coded connections involved.

Payment in the total sum of \$54,166.37 would be from the tort claims fund.

The Law Department and Water Department have investigated the claims, and each has determined that payment is appropriate. The Law Department initiated this proposal and recommends passage. Payment will be exchanged for a standard form release.

Motion--carried

Mayans moved that payment of the two identified claims be authorized. Motion carried 7 to 0.

FISHERIES

COMMUNITY FISHERIES ASSISTANCE PROGRAM GRANT APPLICATION. (DISTRICT IV)

Agenda Report No. 05-0284

The South Lakes Fishing Area located at 55th Street South has been a popular location for area fisherman for several years. Currently, the parking area at this location is unpaved and does not comply with the City ordinance to have all parking areas paved within the city limits. The fishing lake area, which was acquired in the years 1990 through 1992, has deteriorated since that time, due to years of use. The Park and Recreation Department plans to improve this facility by redesigning the access from 55th Street, providing ADA-compliant parking and access control, and developing a fish loading ramp which can be utilized by the Kansas Department of Wildlife and Parks. This lake is currently part of the KDWP program, which regularly stocks area lakes.

The 2005 Park Capital Improvement Program (CIP) includes funding for the renovation and construction of parking lots and entrance drives. Renovation will protect the City's investment in this facility, making it functional and aesthetically attractive to citizen users. This year's plan calls for improvements in parking areas at the Park Maintenance Facility, South Lakes Fishing Lake and Harrison Park.

The City is requesting \$40,000 funding for the South Lakes project through the Community Fisheries Assistance Program (CFAP) grant application. The project is estimated to cost \$75,000. By utilizing the grant, the Park Department hopes to stretch funding allocations for other needs in the park system. The 2005 Park CIP includes \$450,000 for the renovation of parking lots and entrance drives. The funding source is general obligation bonds.

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Motion--
--carried

Mayans moved that the grant application be approved and the necessary signatures authorized.
Motion carried 7 to 0.

MOU

MEMORANDUM OF UNDERSTANDING BETWEEN SEDGWICK COUNTY FORENSIC SCIENCE CENTER AND THE CITY OF WICHITA FOR COLLECTION OF RESTITUTION FOR DRUG/ALCOHOL TESTING AND ENHANCEMENT OF LABORATORY SERVICES.

Agenda Report No. 05-0285

The Sedgwick County Forensic Science Center conducts testing upon drug and alcohol evidence submitted by the Wichita Police Department, for cases filed in the City of Wichita Municipal Court. In order to prosecute drug and/or alcohol offenses in Municipal Court, the prosecution must provide a laboratory analysis. The Sedgwick County Forensic Science Center incurs an expense of \$50.00 per test performed. Currently, they are not compensated for this testing. The large numbers of alcohol and drug cases submitted for testing by the Wichita Police Department stress their current levels of staffing and supply expenditures. As a result, the testing is not always assured in a timely manner. The memorandum of understanding allows the prosecution to request of the Municipal Court Judge a restitution amount of \$50.00 per test conducted, on cases in which the defendant has been convicted of alcohol and/or drug offenses, for which laboratory analysis was performed. If ordered by the Municipal Court Judge, the restitution amount is collected from the defendant. Sedgwick County has agreed to utilize the restitution amounts collected to renew supplies expended and enhance staffing on municipal cases, in order that laboratory testing is timely.

The Sedgwick County Forensic Science Center does not receive remuneration for testing of alcohol/drug evidence for municipal offenses. This Memorandum of Understanding would allow prosecutors to request that a \$50 testing restitution fee be assessed against defendants convicted of alcohol/drug offenses in Municipal Court, for which laboratory testing was performed. The Municipal Court Judge may order the restitution fee. The Sedgwick County Forensic Science Center has agreed to utilize the restitution amount collected from defendants to renew supplies expended on testing and enhance staffing levels to guarantee timely testing on municipal cases.

Motion--carried

Mayans moved that the Memorandum of Understanding be approved. Motion carried 7 to 0.

ABC TAXI CAB CO.

ACCESS TO JOBS VENDOR AGREEMENT, ABC TAXI CAB COMPANY, INC.

Agenda Report No. 05-0286

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October 2000, Access to Jobs has provided over 489,799 rides. By entering into a Vendor Agreement with ABC Taxi Cab Company, Inc. the program can provide over 12,400 more rides a year to low-income clients in a very cost effective manner. This is a contract renewal.

Part of the Access to Jobs grant from the Federal Transit Administration, is to provide half the cost of rides for low-income clients when they are trying to enter, or re-enter the work force. The other half of those expenses is borne by SRS.

The Access to Jobs rides will be purchased with grants from FTA (50%) and Social and Rehabilitation Services, (50%). No city funds will be involved in the Access to Jobs ride to work program.

Vendor Agreement was drafted by the Legal Department.

Motion--
--carried

Mayans moved that the Access to Jobs Vendor Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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BREAKTHROUGH

ACCESS TO JOBS VENDOR AGREEMENT, BREAKTHROUGH CLUB.

Agenda Report No. 05-0287

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October 2000, Access to Jobs has provided over 489,799 rides. By entering into a Vendor Agreement with the Breakthrough Club, the program can provide over 4,200 more rides a year to low-income clients in a very cost effective manner. This is a contract renewal.

Part of the Access to Jobs grant is to provide half the cost of rides that non-profit agencies offer low-income clients when they are trying to enter, or re-enter the work force. The other half of these expenses is borne by the agency.

The Access to Jobs rides will be purchased with grants from FTA (50%) and the Breakthrough Club (50%). No city funds will be involved in the Access to Jobs ride to work program.

Vendor Agreement was drafted by the Legal Department.

Motion--
--carried

Mayans moved that the Access to Jobs Vendor Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

MENTAL HEALTH

ACCESS TO JOBS VENDOR AGREEMENT, MENTAL HEALTH ASSOCIATION OF SOUTH CENTRAL KANSAS.

Agenda Report No. 05-0288

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October 2000, Access to Jobs has provided over 489,799 rides. By entering into a Vendor Agreement with the Mental Health Association of South Central Kamas the program can provide over 1,800 more rides a year to low-income clients in a very cost effective manner. This is a contract renewal.

Part of the Access to Jobs grant is to provide half the cost of rides that non-profit agencies offer low-income clients when they are trying to enter, or re-enter the work force. The other half of those expenses is borne by the agency.

The Access to Jobs rides will be purchased with grants from FTA (50%) and the Mental Health Association (50%). No city funds will be involved in the Access to Jobs ride to work program.

Vendor Agreement was drafted by the Legal Department.

Motion--
--carried

Mayans moved that the Access to Jobs Vendor Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONDEMNATIONS

REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 05-0289

On March 7, 2005 the Board of Code Standards (BCSA) held a hearing on the following seven (7) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

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| Property Address | Council District |
|----------------------------|------------------|
| a. 937 North Wabash | I |
| b. 1416 North Lorraine | I |
| c. 1432 North Lorraine | I |
| d. 1501 North Fountain | I |
| e. 1738 North Grove | I |
| f. 2427-29 East Shadybrook | I |
| g. 1848 North New York | I |

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on May 17, 2005 at 9:30 a.m. or as soon thereafter be approved.

--carried

Motion carried 7 to 0.

RESOLUTION NO. 05-181

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 9 and 11, on Wabash Avenue, Moore's Addition to Wichita, Sedgwick County Kansas. Known as 937 North Wabash may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-182

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 14, 16 and 18, on Lorraine Street, Girard Addition to Wichita, Sedgwick County Kansas. Known as 1416 North Lorraine may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-183

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 30 and 32, on Lorraine Street. Girard Addition to Wichita, Sedgwick County Kansas. Known as 1432 North Lorraine may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-184

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 6, Block P, University Park, an Addition to Wichita, Sedgwick County Kansas. Known as 1501 North Fountain may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 05-185

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 16 and 18, Carr's Addition to Wichita, Sedgwick County Kansas. Known as 1738 North Grove may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-186

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the east 38 feet of lot 6 and lot 7, except the east 19 feet thereof, block 7, on Shadybrook Addition to Wichita, Sedgwick County Kansas. Known as 2427-29 East Shadybrook may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-187

A resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south 16 feet of lot 10, and the north 1 foot of lot 12, on New York Avenue, Karr's Addition to Wichita, Sedgwick County Kansas. Known as 1848 North New York may appear and show cause why such structures should not be condemned and ordered repaired or demolished as a dangerous structure. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

NUISANCE ABATE. NUISANCE ABATEMENT ASSESSMENTS.

Agenda Report No. 05-0290

The Department of Environmental Health supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

State law and city ordinance allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Health is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$56,156.52; weed mowing charges total \$43,237.60

These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the ordinances placed on first reading. Motion carried 7 to 0.

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ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of section 7.40.050 of the Code of the City of Wichita, Kansas be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

ABATEMENT

ABATEMENT OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICTS I, III, IV & VI)

Agenda Report No. 05-0291

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor performs the work, and the Office of Central Inspection bills the cost to the property owner.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on April 15, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the January 2005 bonds sold. The principal and interest will then be spread for 1-year and placed on the 2005 tax roll.

The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of sections 18.16.010 to 18.16.090 of the code of the City of Wichita, Kansas, introduced and under the rules laid over.

FIREFIGHTERS

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM GRANT AWARD.

Agenda Report No. 05-0292

The FY 2004 Defense Authorization Act authorized the federal Department of Homeland Security, Federal Emergency Management Agency (FEMA), to make \$750 million in grants available to fire departments. The programs and associated activities that were eligible for the 2004 grant programs were as follows: Operations and Firefighter Safety program; Fire Prevention Program and Firefighting Vehicle Acquisition Program. Applicants could only apply for one of the three programmatic areas, however within the selected programmatic area, applicants could apply for a number of activities. On April 20, 2004, the City Council approved the submission of a grant application in the amount of \$635,053, including the required local match.

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The City applied for \$635,053 in grant funds for the fire operations and firefighter safety program category. On February 25, 2005 the Department of Homeland Security announced the award of the Assistance to Firefighters Grant for Fire Operations and Firefighter Safety Program to the Wichita Fire Department. This award will be used to purchase search and rescue equipment as well as provide training for collapse shoring, equipment use, search team operations, and Weapons of Mass Destruction training.

The grant application was originally submitted for \$635,053 and requested search and rescue equipment of \$541,435 and training in the amount of \$93,600. The U.S. Department of Homeland Security reduced the grant award to \$588,175. The decrease in the grant funding was due to the reduction of thermal imaging devices. Funding was approved for only 3 thermal imaging devices instead of the original request of 5 thermal imaging devices. Because of the funding reduction, the total project cost is \$588,175. The federal share was reduced from \$444,543 to \$411,722 and the City's matching funds from the General Fund account were reduced from \$190,510 to \$176,453. The City Council previously approved the local match.

Motion--
--carried

Mayans moved that the FY 2004 Assistance Firefighters Grant award be approved. Motion carried 7 to 0.

SAFE KIDS CYCLE

KANSAS SAFE KIDS CYCLE SMART GRANT APPLICATION.

Agenda Report No. 05-0293

Summer of Discovery is an 11-week summer recreation program offered at City recreation centers for youth ages 6-13. The program, which runs from June 1 to August 12, is filled with fun and educational activities designed to keep participants busy all summer. Program hours are 7:00 a.m. to 6:00 p.m. One of the scheduled activities is a bicycle clinic conducted by police officers from the Wichita Police Department. The officers teach proper bicycle riding techniques, safety, and rules of the road. Officers check the participants' bikes for safety, perform minor mechanical repairs and run the kids through an obstacle course.

The Park and Recreation Department is requesting authorization to apply for the Kansas SAFE KIDS Cycle Smart grant. The grant would provide up to 50 Bell Sports bicycle helmets to support the bicycle clinic offered at the Summer of Discovery recreation program. Consideration will be given to children who cannot afford bicycle safety equipment.

The grant is an equipment grant with no grant funding provided.

Motion--
--carried

Mayans moved that the Park and Recreation Department to submit the grant application be authorized. Motion carried 7 to 0.

SE BOOSTER PUMP

SOUTHEAST WATER BOOSTER PUMP STATION. (DISTRICT III)

Agenda Report No. 05-0294

Potential water pressure problems were identified in parts of southeast Wichita in the 1999 Water Master Plan. Those identified were in the southeast water distribution system, and in the future growth areas of southeast Sedgwick County as identified by the Metropolitan Area Planning Department (MAPD).

On April 8, 2003, City Council approved a Water Master Plan Update selecting Burns & McDonnell for the engineering firm. In the process of updating the water distribution water model and analyzing the water distribution system, including current growth predictions by MAPD, Burns & McDonnell recommended a new booster pump station facility. Their recommendation is to have the pump station located near the existing 20-inch water main in Harry between Woodlawn and Rock Road. They also

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recommend that the pump station be operational prior to peak water usage periods during the summer of 2006.

The Southeast Water Booster Pump Station Facility is included in the 2005 approved Capital Improvement Program as CIP W-537. Total budget for the project is \$3.62 million: \$1.1 million in 2005 and \$2.52 million in 2006. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--
--carried

Mayans moved that the expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-188

A resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$3.62 Million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RIVER CORRIDOR

AMENDING RESOLUTION AND SUPPLEMENTAL CONSTRUCTION AGREEMENTS: ARKANSAS RIVER CORRIDOR IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. 05-0295

On December 30, 2003 the City Council approved a project for improvements in the Arkansas River Corridor. At that time, it was expected that Federal Grants in the amount of \$2,000,000 would be available to fund part of the project cost. It has since been determined that the amount of Federal Grants available is \$2,798,214. An amending Resolution has been prepared to incorporate the increase into the project budget. In addition, supplement agreements with Law/Kingdon, Inc. and HNTB Corporation, project designers, have been prepared for construction administration and inspection services.

The project extends from the First and Second Street Bridges to the Central (Little Arkansas River) and Seneca (Arkansas River) Bridges. It includes a portion of the south bank to the west of Exploration Place, construction of two pedestrian bridges and improvements to the Keeper of the Plains monument.

The project budget approved by the City Council on December 30, 2003 is \$27,000,000 with \$25,000,000 paid by the City and \$2,000,000 paid by Federal Grants. The revised budget is \$27,798,214 with \$25,000,000 paid by the City and \$2,798,214 paid by Federal Grants. The funding source for the City share is General Obligation Bonds. The construction engineering and architectural fees are \$316,860 for Law/Kingdon and \$783,934 for HNTB.

Motion--
--carried

Mayans moved that the amending Resolution be adopted; the Supplemental Construction Agreements approved and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-189

A resolution amending Resolution No. 03-671 of the City of Wichita, Kansas, as amended and supplemented by Resolution No. 04-534 authorizing the issuance of bonds by the City of Wichita at large for improvements to the Arkansas Riverbank in an area bounded by Kellogg, Seneca and Central (472-82799) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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CONSOLIDATED PLAN CONSOLIDATED PLAN-2005/2006 ONE-YEAR ACTION PLAN.

Agenda Report No. 05-0296

On March 8, 2005, the City Council approved funding allocations for the 2005/2006 Consolidated Plan. The preliminary One-Year Action Plan includes Community Development Block Grant (CDBG) funding allocations, HOME Investment Partnership funds (HOME), and Emergency Shelter Grant (ESG) funds. To receive these federal funding allocations, HUD requires cities to prepare a One-Year Action Plan listing of eligible projects and services to be undertaken, their location and proposed activities. The proposed One-Year Action Plan must be submitted for public comment prior to final adoption by the City Council.

The City's preliminary 2005/2006 One-Year Action Plan lists the federal resources available from the CDBG, HOME and ESG programs to address priority needs (as adopted by the City Council). The One-Year Action Plan provides a description of the activities approved and the location of the activities to be undertaken during the fiscal year. The 2005/2006 One-Year Action Plan covers the period beginning July 1, 2005 and ending June 30, 2006.

The 2005/2006 One-Year Action Plan totals \$6,093,711 and is comprised of grant funds in the amount of \$5,301,229, prior year program income of \$577,482 and estimated income (primarily from revolving funds such as Historic Loans) of \$215,000.

The City has met all federal requirements to proceed with issuance of a preliminary One-Year Action Plan. A thirty-day public comment period is required, beginning April 6, 2005 and ending on May 5, 2005.

Motion--

Mayans moved that the implementation of the public comment period for the proposed 2005/2006 One-Year Action Plan as an amendment to the City's 2004/2008 Consolidated Plan be authorized.

--carried

Motion carried 7 to 0.

EARTH DAY

EPA EARTH DAY GRANT APPLICATION.

Agenda Report No. 05-0297

The Environmental Services has participated throughout the years and provided a number of different programs at Boeing's Earth Day Kansas, now held at the Sedgwick County Zoo. This has been an excellent opportunity to inform citizens about water conservation, pollution, and much more. This year's event targets grades third through fifth. Children will be given on-the-spot education that promotes environmental awareness and stewardship in the community.

Environmental Services requests authorization to apply for an EPA Earth Day Grant to be used as a hands-on environmental exhibit for the Boeing's Earth Day Kansas celebration at the Sedgwick County Zoo on April 21, 2005. The proposed project, "Rollin' On The Arkansas River", will be a demonstration of every day life on the Arkansas River, explaining the impact individual citizens have on the surface water. Exhibit visitors will participate by portraying a water droplet in the Arkansas River as it proceeds through the water cycle. The exhibit will simulate this journey via a tunnel and/or canopy design. The exhibit will show what happens as water droplets are detoured through farmland and municipalities and become impacted by society. The exhibit will be portable and after Earth Day, the exhibit will be used as a year around feature at the City's Wichita Area Treatment, Education, and Remediation (WATER) Center.

The grant application deadline was March 18, 2005. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the grant application where delay would invalidate the grant application.

Environmental Services is requesting EPA Earth Day Grant Funding of \$2,500. The grant does not require matching funds from the City.

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Motion--
--carried

Mayans moved that the grant application and acceptance of the grant if awarded be approved and the necessary signatures authorized. Motion carried 7 to 0.

EUC APPLICATION

ENVIRONMENTAL USE CONTROL (EUC) APPLICATION AND REQUIREMENTS FOR HISTORIC MID-TOWN BIKE PATH.

Agenda Report No. 05-0298

The City has allocated Community Development Block Grant (CDBG) funds to be used for the acquisition of certain key segments of land associated with the development of the Historic Midtown Bike Path. The pathway will extend along portions of the abandoned UP rail right-of-way between Central and 15th Street. The actual design and construction of this project is being funded by a federal transportation enhancement grant awarded to the City in 2004.

A condition of using federal CDBG funds is the completion of a HUD environmental review. Assessments of the proposed pathway have detected groundwater contamination from petroleum and the North Industrial Corridor (NIC) plume. Portions of the former railroad corridor were also found to have surface soils containing detectable levels of heavy metals from the rock ballast used for the railroad bed. Once the City and Kansas Department of Health and Environment (KDHE) have agreed on a method of mitigating the contamination, then the review can be completed and HUD can approve use of the grant.

Environmental Services has been working with KDHE to mitigate the contamination and reduce potential public health risks. KDHE has agreed that the City may address the groundwater issues under the current NIC agreement. The City proposes to apply for an Environmental Use Control (EUC) for the soil concerns. EUCs are KDHE administrative controls that allow applicants to use specific methods to leave the contamination in place rather than remove it. EUCs can only be applied to those sites where the contamination can be contained (does not move), is low in toxicity, and the methods are approved by KDHE. The City has proposed to construct the bike path in such a manner that the surface will be covered and protected with soil and pavement. KDHE has indicated that it will approve the EUC application if the City agrees substantially as follows:

- 1) Restricts by deed or other EUC mechanism for excavation and construction activities.
- 2) Funding to the EUC program under KDHE is statutorily established and requires the City to provide a one-time payment of \$4,900 to KDHE. Additionally, there will likely be some miscellaneous administrative filing fees. The City will perform annual inspections and repairs as necessary, and KDHE-EUC will inspect once every five years.
- 3) If construction of the bike path requires removal of soils, this material must be sampled and analyzed for contaminants, and disposed of accordingly.

The Law Department will review as to form and approve the language of any agreements or use restrictions required for the property under the application.

HUD officials have advised the City that the \$4,900 payment to KDHE and miscellaneous filing fees for the EUC action is an allocable cost to the CDBG grant associated with this bike trail. Maintenance of the bike path, once completed, will be part of the City's normal public land maintenance program.

Motion--
--carried

Mayans moved that the proposed application to KDHE for application of EUC controls on the Historic Midtown Bike Path be approved and the City Manager be authorized to sign the necessary documents, and approve payment of up to \$4,900 in fees to KDHE. Motion carried 7 to 0.

WRAPS

KDHE WATERSHED RESTORATION AND PROTECTION STRATEGY (WRAPS), GRANT APPLICATION.

Agenda Report No. 05-0299

The Kansas Department of Health and Environment (KDHE) has initiated a program for the development and implementation of Watershed Restoration and Protection Strategies (WRAPS), and is

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making grant funding available for these efforts. Program elements include identification and assembly of stakeholders, assessment of needs and opportunities, development of goals, and implementation of cost effective strategies relative to watershed restoration and protection.

The condition of the Arkansas River, and its supporting watershed, has long been a priority for the City of Wichita. Recent milestones in the City's watershed protection and restoration efforts include the 2000 Arkansas River Symposium, formation of Arkansas River technical and advisory committees in 2001, an in-depth water quality study of point and non-point pollution sources in 2002, and ongoing efforts of maintenance of sewer and storm water infrastructure. The recently completed Visioneering Plan for Wichita included the goal of "cleaning up the Arkansas River" as part of the Quality of Life strategies.

Protection and improvement of the Arkansas River supports economic, recreational, and aesthetic development initiatives in the City's core. The availability of KDHE WRAP funding will enhance current and future efforts by the City and its partners in these areas. Utilizing the WRAPS process, the City will refine existing Arkansas River information and education efforts to identify and involve stakeholders, assess needs and opportunities, develop goals, and implement effective strategies.

Environmental Services (ES) staff has prepared a preliminary grant application for funding of the development phase of the WRAPS process. Funding applications for the assessment, planning, and implementation phases will be submitted sequentially, according to KDHE requirements.

Utilizing WRAPS funding, Environmental Services will hire a full-time WRAPS Coordinator to recruit and survey stakeholders, organize a watershed leadership team, implement educational efforts, and disseminate information to related Arkansas River interest groups. The coordinator will also perform the reporting associated with the WRAPS grant, including making application for each successive step in the WRAPS program. The WRAPS grant will also fund materials and services to support the program.

The grant application deadline was April 1, 2005. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the grant application where delay would invalidate the grant application.

The City is requesting an amount not to exceed \$100,000. The grant requires a minimum 40% cash or in-kind match. The City has proposed an in-kind match of \$60,000 grant based on staff time contributed by three departments, Environmental Services, Water and Sewer, and Public Works, for various activities dealing with Arkansas River issues.

Motion--
--carried

Mayans moved that the grant application be approved; the necessary signatures authorized and the grant award be accepted if received. Motion carried 7 to 0.

ETHANOL PROD.

EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, ETHANOL PRODUCTS, LLC. (DISTRICT II)

Agenda Report No. 05-0300

On May 18, 2004, the City Council approved a one-year Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$2,000,000 to Ethanol Products, LLC. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a company headquarters facility. The company is requesting an extension of the Letter of Intent until December 31, 2005.

The construction of the new Ethanol Products headquarters facility is nearly complete; however, it does not appear that it will be finalized and the cost and expenses associated with the project will be finalized prior to the date the Letter of Intent expires.

There is no financial impact on the City resulting from the requested extension.

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Bond documents required for the issuance of bonds will be prepared by bond counsel. The City Attorney's office will review and approve the form of bond documents prior to the issuance of any bonds. The Letter of Intent extension will fall under the new Economic Development Incentive Policy. Under the new policy, the project is eligible for IRBs and sales and property tax exemption since it will be constructing a new corporate headquarters.

Motion--

Mayans moved that the extension of the Letter of Intent to Ethanol Products for Industrial Revenue Bonds in an amount not-to-exceed \$2,000,000 for a period ending December 31, 2005 be approved. Motion carried 7 to 0.

--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MARCH 22, 2005)

- a) (ZON 2004-59) - north of 37th Street North and on the west side of Ridge Road. (District V)

ORDINANCE NO. 46-561

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-59)

- b) A05-03 - generally located southwest of the intersection of West Street and 42nd Street South. (District IV)

ORDINANCE NO. 46-562

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A-05-03)

UNFINISHED BUSINESS

NW BYPASS

NORTHWEST BYPASS (DISTRICT V) (DEFERRED MARCH 22, 2005)

Chris Carrier

Public Works Director reviewed the Item.

Agenda Report No. 05-0301

On March 22, 2005 the City Council deferred action to fund right-of-way acquisition for the Northwest Bypass in order to receive additional information.

The State Comprehensive Transportation Program adopted in 1999 includes a System Enhancement Program that funds city and county highway projects. On November 23, 1999 the City Council approved a joint Wichita/Sedgwick County application for the Northwest Bypass (a copy of the application is attached). Its purpose is to provide local funding for early acquisition of right-of-way to preserve the corridor from private development. The application was approved by the Kansas Department of Transportation (KDOT) and on August 7, 2001 the City Council approved a City/County/State agreement that provides that the City and County will each contribute \$1,500,000 for right-of-way acquisition (a copy of the agreement is attached). The project is a part of the 2030 Transportation Plan for the Wichita Sedgwick County Metropolitan Area. Funding for the City's right-of-way contribution has been included in the 2002-2011 and 2004-2013 Capital Improvement Programs adopted by the City Council a map showing the approximate project corridor location is attached.

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The northwest quadrant of the Wichita metropolitan area is and will continue to experience rapid growth. The City's new sewage treatment facility in this vicinity is evidence of increasing development in this area. The construction of a freeway will accommodate growth and development in this quadrant of the community. Additionally, a new bypass will improve access to business and residential development served by US 54 and K-96, further increasing economic development opportunities.

The City's share of the right-of-way cost is \$1,500,000. The funding source is General Obligation Bonds. Sedgwick County is also contributing \$1,500,000 for right-of-way acquisition. The Kansas Department of Transportation will pay all right-of-way costs over \$3,000,000.

In accordance with the terms of the City/County/State agreement, KDOT staff is acquiring right-of-way in the Northwest Bypass. The approval of this phase of the project is consistent with the prior applications and agreements with the State of Kansas and Sedgwick County.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Martz moved that the right-of-way acquisition project be approved; the Ordinance placed on first reading and the signing of State/Federal agreements as required be authorized. Motion carried 6 to 1, (Fearey-no).

ORDINANCE

An Ordinance declaring the Northwest Bypass Expressway (472-84199) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

AMUSEMENT PARKS ORDINANCE AMENDMENTS PERTAINING TO AMUSEMENT PARKS AND RIDES AND SECTION 7.41.010 PERTAINING TO NOISE.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 05-0323

The City Council conducted two workshops regarding the regulation of amusement park rides and directed the City Attorney to prepare an ordinance to address safety and licensing concerns.

The amusement park ordinances were placed on first reading on February 8, 2005. Prior to the ordinances being placed on second reading, they were taken off the agenda so that staff could meet with interested parties regarding concerns with the proposed amendments. Staff met with the parties on March 3, 2005. The proposed revised amendments address the parties' concerns.

Licensing Fees: Licensing fees are amended so that owners of twenty or more portable amusement park devices pay the same licensing fee of \$600.00 as a permanent amusement park. Devices will be licensed and inspected once a year (rather than bi-annually) prior to the start of the operating season (May 1st).

Insurance Requirements: Insurance requirements are amended to more adequately address the types of companies, which issue these types of policies. The minimum one million dollar (\$1,000,000) policy limit remains in effect.

Inspection Requirements: Inspection requirements were amended to require that inspections be performed by industry or state recognized inspections, such as NAARSO or AIMS. This was to insure adequate inspections of the rides occurred prior to licensing.

It is noted that many rides, especially inflatables, will not be in compliance with Federal Standards regarding the manufacturing of such devices due to requirements regarding flammability. A net result could be that many devices could not be licensed or operated within the City of Wichita.

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Noise and Hours of Operation: Vendors requested certain exceptions to the noise ordinances and hours of operation for all night school sanctioned events. Staff did not feel comfortable, due to neighborhood concerns, proposing ordinances, which would allow all-night outdoor activities. Currently, amusement parks must have music stopped at ten-thirty p.m. Sunday through Thursday and midnight on Friday & Saturday. These times are consistent with other City ordinances. (Section 3.28.050 regulating outside dances; 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.)

As a compromise, the proposed amendments would allow for activities confined completely indoors to be exempted from the music and closing provisions.

Lastly, operators requested an exception from the noise ordinance if noise decibel readings did not exceed those set forth in 7.40.030. Rather than the exception requested, staff is recommending an amendment to the noise ordinance, which makes a valid decibel reading a defense to any criminal complaint made regarding excessive noise.

An emergency should be declared so that all amendments relating to amusement parks and rides are effective on the same date.

License fees are established at \$600.00 per year for amusement parks and vendors of portable amusement equipment who rent more than twenty portable riding devices a year. Fees are \$30.00 per device for individual portable amusement ride devices.

The amendments have been prepared and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans stated that this ordinance has put us ahead of any other city in the state of Kansas regarding regulating amusement parks. Stated that he thinks this is a good ordinance.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that to declare an emergency regarding Section 7.41.010 pertaining to noise and all above-subject ordinances be adopted. Motion carried 7 to 0.

ORDINANCE NO. 46-563

An Ordinance amending Section 7.41.010 of the Code of the City of Wichita, Kansas, pertaining to noise and repealing the original of said section. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

ORDINANCE NO. 46-564

An Ordinance amending Sections 3.20.010, 3.20.020, 3.20.030 and 3.20.040, creating Sections 3.20.035, 3.20.050, 3.20.060, 3.20.070, and 3.20.080 of the Code of the city of Wichita, Kansas, pertaining to amusement parks and rides and repealing the originals of Sections 3.20.010, 3.20.020, 3.20.030 and 3.20.030 of the Code of the City of Wichita. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

YOUTH & FAMILY

21ST STREET, YOUTH AND FAMILY EMPOWERMENT ZONE. (CONTINUED FROM MARCH 22, 2005)

John Schlegel

Director of Planning reviewed the Item.

Agenda Report No. 05-303

A consortium of community leaders, calling themselves the 21st Street Committee for Progress, has committed itself to helping the Boys & Girls Club of Wichita to raise the capital for a new facility to

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replace the current building located at 21st Street North and Grove. They have asked the City to provide a site for the new facility on the former Logopedics Institute site, just north of 21st Street. This City-owned property of approximately 16 acres has been substantially cleared of existing buildings. Cessna maintains two buildings fronting along 21st Street for training and child-care.

During two public meetings held to solicit community input on this proposed use of this property, other service providers expressed interest in being located here, leading to the idea of creating a Youth & Family Empowerment Zone. TOP, in particular, has shown interest in also building a new facility on the property and has the financial resources to carry out its plan.

The Committee presented a concept plan for the Zone to the City Council at its March 22, 2005 Workshop. The purpose of this agenda Item is to allow the City Council to take formal action on the information presented to it on that date. The support of the City Council for this proposal will enable the Boys & Girls Club to begin its fund-raising campaign.

The Boys & Girls Club and TOP are seeking a long-term lease at a nominal rate (one dollar per year) and are asking the City to consider doing the necessary site preparation work for their proposed new buildings. The exact terms of the lease, the City's role and the City's obligations must be negotiated with these entities. Staff believes that those negotiations should be undertaken.

This proposal will further the goals and strategies outlined in the 21st Street North Corridor Revitalization Plan. Based on two well-attended public meetings and other indicators, it appears to have broad community support. It represents a unique opportunity for the City to leverage the commitment of a dedicated group of citizens to provide services in an area where they are needed and to improve an important community asset.

The 21st Street Committee for Progress has publicly committed itself to raise the capital needed to construct a new Boys & Girls Club on the site. TOP has pledged to provide the capital needed for its new facility at this location. The City's financial responsibility could be to provide construction-ready sites at building pad grade and the streets, sewer and water and drainage facilities needed to service the building sites. Cost estimates have not been done yet for this work. Staff will negotiate with these groups to determine the exact extent of the City's involvement and future obligations and will bring that agreement back to the City Council for its approval at a future date.

A lease and a financial agreement will be drafted that implements the intent of the City Council. In conjunction with these agreements will be a financial plan to support the City's involvement.

- | | |
|-----------------------|---|
| Council Member Fearey | Council Member Fearey stated that on the agenda report it talks about Cessna Court and the six low-income housing units. Inquired where they are on the site plan and if they will be remaining. |
| John Schlegel | Director of Planning explained that the plan is to eventually take those down and that they were meant to be a temporary facility. |
| Council Member Fearey | Council Member Fearey stated that in 1998 we spent \$600,000.00 on them and now we are going to tear them down. |
| George Kolb | City Manager stated that at this point in time there has not been any discussion as to what the future of those housing units will be. Stated that would be part of the negotiations and if the Council would want them to maintain them or replace them, they can make that a part of their discussions as to what future the Council wants to see there. Stated that a lot of it will depend on what Cessna's plans are. |
| Mayor Mayans | Mayor Mayans inquired whether anyone wished to be heard. |
| Dorothy Nave | Ms. Nave stated she resides at 1802 Looman and she is the President of the Northeast Millair Neighborhood Association and that this project is right in the middle of their neighborhood association. Stated that they are involved in the 21 st Street Corridor Project, the Central Northeast Area Plan Update and are involved with this project. Stated that they support this lease with the Boys and Girls Club because this would help their neighborhood and the whole area. |

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Willie Burton

Mr. Burton stated that he is with the Matlock Heights Neighborhood Association, which is where the current Boys and Girls Club is located. Stated that in the meetings with Mr. Meyers, the room was full. Stated that the people are excited about this project and that they are willing to see this project through. Stated that the residents in this area have seen changes taking place and are getting involved and have had a change of heart about their neighborhood. Stated that they would like to see the City get behind this also.

Council Member Brewer

Council Member Brewer stated that this is a project that has been in need for quite some time and that it is a very unique project and they are very proud of it. Stated that it is not very often that you get an opportunity where you see USD 259, Wichita State University, Sedgwick County and the religious community come together and identify the needs of our community and to help improve the quality of life.

Motion--

Brewer moved that the creation of a Youth & Family Empowerment Zone be supported and enter into negotiations for a long-term lease at a nominal fee with the Boys & Girls Club of Wichita and TOP for new facilities on the former Logopedics Institute site be supported; staff be directed to negotiate the lease(s) and the financial obligations of the City to implement the Youth & Family Empowerment Zone; and review and take appropriate action regarding those agreements at a future date. Motion carried 7 to 0.

--carried

PAY PLANS

CONSULTANT SELECTION FOR STUDY OF EXEMPT AND MANAGEMENT PAY PLANS. (CONTINUED FROM SEPTEMBER 21, 2004)

Lori Wilkerson

Acting Finance Director reviewed the Item.

Agenda Report No. 05-0302

During 2004, the City Manager's Office, Human Resources, and the Budget Office studied the possibility of conducting a complete study of the Exempt and Management Pay Plans to ensure that current classifications are accurate before moving further with any other pay plan development, such as broad banding and/or performance management. The last complete study of the positions in these plans was in 1993.

Staff prepared an Agenda Report for the September 21, 2004, Council meeting for revisions to the Salary Ordinance that included the pilot project for broad banding the Management Pay Plan. This was deferred for a Workshop. Staff made a presentation at a Council Workshop on October 26, 2004, for broad banding only the Management Pay Plan, which resulted in the recommendation by Council to select a consultant through the Request for Proposal process to perform a full study of the Management and Exempt positions.

The Request for Proposal, "Consulting Services for Compensation Pay Plan," was issued on December 17, 2004. Eight formal proposals were received by the January 21, 2005, deadline. After reviewing the proposals, the Staff Screening and Selection Committee met on February 3, 2005, to select the firms to interview.

Four of the firms were invited for formal presentations and interviews on February 22, 2005. Committee members completed rating forms for the firms that resulted in the unanimous selection of Fox Lawson & Associates as the qualified vendor. Although many of the firms offered quality proposals, the committee agreed that Fox Lawson best matched the requirements of the project.

The proposal includes the following components: (1) project planning and administration; (2) classification and job level study of all positions in the affected pay plans (approximately 140 classifications covering just over 400 employees); (3) development and revisions of job descriptions as indicated by the study; (4) compensation market study of these positions; (5) recommendations for new or revised pay plans as indicated by all information collected; (6) development of a performance management/ appraisal system on which to base advancement within the pay ranges; and (7) training of affected supervisors managers and employees in the new system. The consultant may or may not

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recommend major changes, depending on the consultant's findings about the best practices the City should undertake as a result of the project.

The proposed fee to complete all services for this project is \$112,000, to be funded from the 2005 General Funds – Contingency.

The Law Department will review and approve the contract as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the selection of Fox Lawson & Associates as the consultant be approved; the contract and the necessary signatures authorize and the budget adjustment necessary to secure funding for this project be authorized. Motion carried 7 to 0.

--carried

NEW BUSINESS

WRANGLERS

WICHITA WRANGLERS REPORT TO CITY COUNCIL.

Jessica Johnson

Marketing Director reviewed the Item.

Agenda Report No. 05-0304

The Wichita Wranglers are the AA affiliate for the Kansas City Royals. They are the only team in the State of Kansas that participates in affiliated Minor League Baseball. They are part of the Eastern Division of the Texas League along with the Springfield Cardinals, the Tulsa Drillers, and the Arkansas Travelers. The Western Division of the Texas League consists of the Corpus Christi Hooks, the Frisco RoughRiders, the San Antonio Missions, and the Midland Rockhounds. The Wichita Wranglers are owned and operated by Rich Products Corporation of Buffalo, New York. Rich Products also owns the Buffalo Bisons and the Jamestown Jammers Minor League Baseball Teams. The Wichita Wranglers call Lawrence Dumont Stadium home. The stadium was built in 1934 for the National Baseball Congress World Series, which still exists today. Lawrence Dumont Stadium is currently the eighth oldest park being used in professional baseball.

The Wichita Wranglers have had recent success and this is an opportunity to hear of how improvements and City investments have made the organization grow. Last season, the Wranglers achieved a third consecutive season of increased attendance. The addition of head coach Frank White, former Kansas City Royals player, and member of the Royals Hall of Fame, has increased the awareness of the Major League ties to Minor League Baseball. This year, hopes are that attendance will continue to increase with highlights such as the All-American Festival during the Fourth of July weekend that includes a 20th anniversary celebration of the KC Royals World Championship win and Celebrate 2005; the ever-popular NBC Tournament as well as other events planned throughout the season. The Wranglers continue to be a nominal price that makes this a fantastic option for families to bring the kids for entertainment. Also, the Wranglers have re-designed their look in 2005 to reflect the rich history and culture of Wichita. Wichitans should be encouraged to grow their support of this fantastic asset for this community and take every opportunity to enjoy great baseball and wholesome family entertainment.

Eric Edelstein

Mr. Edelstein stated that he is the General Manager of the Wichita Baseball Incorporated, which operates the Wichita Wranglers and the National Baseball Congress and updated the Council on the progress of the Wichita Wranglers and the Lawrence Dumont Stadium. Stated that the Wichita Wranglers is a double A affiliate of the Kansas City Royals and that they represent the highest level of professional sport played in the State of Kansas. Stated that at Lawrence Dumont Stadium, as the primary tenant, they operate 85 dates of games between the Wranglers and the National Baseball Congress. Stated that are also developing Lawrence Dumont Stadium into a full service event center, servicing concerts, festivals and corporate events throughout the year. Stated that as they enter into 2005, there are many challenges that continue to face them. Stated that they do continue to achieve below that of markets of comparable sizes and that they work very hard and have had some success in increasing attendance. Stated that they have achieved a 23% increase in attendance over the last three

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years but still remain below the 200,000 mark achieved regularly in the early to mid 1990's. Encourage the citizens and businesses of Wichita to share in a great product and a great atmosphere at a great price. Stated that they have taken on a number of major projects to improve the perception and attendance at Wrangler's games, such as changing the logo, which will represent the City of Wichita and the Wranglers for 2005 and improvements to the stadium and to the team. Mr. Edelstein reviewed the highlights for the 2005 season and asked the businesses and the City of Wichita for their continued support and thanked them for their current support.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

CAP CARPET, INC.

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, CAP CARPET, INC. (DISTRICT V)

Allen Bell

Director of Economic Development reviewed the Item.

Agenda Report No. 05-0305

On November 16, 2004, City Council approved a Letter of Intent to issue IRBs in the amount of \$4,000,000, and approved a 90% five-plus-five-year property tax exemption on real property improvements and personal property purchased with bond proceeds, based on job creation and capital investment to Ridge Plaza Ventures, L.L.C. (Ridge Plaza). Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a new corporate headquarters building and distribution center to be leased to Ridge Plaza Ventures, L.L.C. and subleased to CAP Carpet, Inc. (the "Company"). The new facility will be located in the area of west Taft near Kellogg & Ridge Road in southwest Wichita. The Company is requesting the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$4,000,000.

Ridge Plaza is a related real estate holding company of CAP Carpet. CAP Carpet is a leading worldwide supplier of carpet, fabric, leather and utility flooring to the aircraft industry. CAP Carpet also markets product both on a wholesale and retail basis through various locations in the Upper Midwest. CAP Carpet's headquarters is located in Wichita and the Company has been in business since 1968. CAP Carpet originally started out as a retail enterprise, but in the past ten years has been expanding its wholesale flooring business with sites opened in Urbandale, IA, LaVista, NE, and Lee's Summit, MO. CAP Carpet imports products from Europe and Asia to its Wichita warehouses as well as making stock purchases for distribution to its various sites. The Aircraft Interior Products division with CAP Carpet is a supplier to local aircraft companies. The Company also ships product throughout the U.S. CAP Carpet also has commercial sites in Wichita and Topeka. It has five retail/outlet sites in Wichita and Topeka while marketing under the names of Carpet One, Stone Mountain and Big Bob's. The Company is affiliated with a co-op group named Carpet Cooperative of America (CCA Global), which provides consolidated purchasing, marketing and administrative support.

CAP Carpet expansion project includes a new 52,135 s.f. distribution center and corporate headquarters located in the area of west Taft near Kellogg & Ridge Road in southwest Wichita. CAP Carpet currently employs 50 people and plans to add 37 new jobs over a five-year period, at an average wage of \$42,066 per year.

An analysis of the uses of project funds is:

| | |
|-----------------------------------|---------------|
| Acquisition of Land | \$ 400,000 |
| Building and Site Improvements | 3,100,000 |
| Furniture, Fixtures and Equipment | 450,000 |
| Costs of Issuance | 25,000 |
| Miscellaneous | <u>25,000</u> |
| Total Cost of Project: | \$4,000,000 |

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The firm Hinkle Elkouri L.L.C. serves as bond counsel in the transaction. The Company plans to privately place the bonds with a financial institution with which it has an established banking relationship. The Company has complied with the City's requirements contained in the Standard Letter of Intent Conditions. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

| | |
|---------|-------------|
| City | 1.60 to one |
| County | 2.55 to one |
| USD 259 | 1.63 to one |
| State | 9.75 to one |

The Company agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's new Business Incentive Policy, the Company qualifies for a 90% five-plus-five-year tax exemption on property purchased with bond proceeds, based on job creation and capital investment.

The estimated first year's taxes on Ridge Plaza's proposed \$4,000,000 expansion would be \$76,700, on real property improvements and \$10,955 on personal property, based on the 2003 mill levy. Using the allowable tax exemption of 90 percent, the City would be exempting (for the first year) \$87,655 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$24,612; County/State - \$23,387; and USD 259 - \$39,656.

Bond documents needed for the issuance of bonds have been prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The City's IRB policy resolution requires IRB tenants to provide audited financial statements, unless the IRBs have been purchased by a financial institution with a pre-existing banking relationship to the tenant company. In this case, it is the subtenant, CAP Carpet, Inc., that has the banking relationship with the bond purchaser. Since CAP Carpet is the true obligor in the transaction, Law Department staff believes this arrangement conforms to the intent of the policy.

Council Member Lambke Council Member Lambke stated that according to the figures that he is looking at we are removing the existing property from the tax rolls.

Allen Bell Director of Economic Development stated no and that we are only exempting the newly constructed building and the equipment. Stated that the land will remain on the tax rolls.

Council Member Lambke Council Member Lambke stated that he does not see a disclaimer on the agenda report.

Allen Bell Director of Economic Development stated that since the bonds are being place with a financial institution, the bank's preference is to have the entire collateral package wrapped up into single financing, so that the financing of the land is included in the IRB but the land is excluded from the property tax exemption, which is the policy and it is clearly reflected in the bond documents.

Council Member Lambke Council Member Lambke stated that he would be voting against this because this should be stated in the motion that the taxes on the land is not exempt.

Mayor Mayans Mayor Mayans inquired whether anyone wished

Motion-- Martz moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,000,000 be placed on first reading and the necessary signatures authorized. Motion carried 6 to 1, (Lambke, no).

--carried

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ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of Taxable Industrial Revenue Bonds, Series II-A, 2005 (Cap Carpet, Inc. Project) in the aggregate principal amount of not to exceed \$3,000,000 and its subordinated taxable Industrial Revenue Bonds, Series II-B, 2005 (Cap Carpet, Inc.) Project) in the aggregate principal amount of \$1,000,000 for the purpose of providing funds to purchase, acquire, construct and equip a corporate office and warehouse distribution facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Security Bank of Kansas City, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a lease by and between the City and Ridge Plaza Ventures, LLC; approving the form of a sublease between ridge plaza ventures, LLC, and Cap Carpet, inc.; approving the form of a guaranty agreement and an individual guaranty agreement; authorizing the execution of a Bond Purchase Agreement by and among the City, Ridge Plaza Ventures, LLC, and Intrust Bank, N.A., as purchaser of the Series II-A 2005 bonds; and the execution of a bond purchase agreement by and among the City, Ridge Plaza Ventures, LLC, and Lavone J. Pirner, as purchaser of the Series II-B, 2005 Bonds, introduced and under the rules laid over.

EXCEL MANUFAC. PUBLIC HEARING AND TAX EXEMPTION REQUEST, EXCEL MANUFACTURING, INC. (DISTRICT IV)

Allen Bell

Director of Economic Development reviewed the Item.

(Council Member Fearey momentarily absent)

Agenda Report No. 05-0306

On January 15, 2002, City Council approved a five-plus-five year 100% Economic Development tax exemption to Excel Manufacturing, Inc. for an expansion project that resulted in the construction of a building addition and acquisition of new machinery and equipment. In 2004, City Council also approved an 83% property tax exemption on personal property for a five-year term. Excel Manufacturing located at 3258 S. Hoover Road in southwest Wichita, was locally formed in 1971. Since its establishment, Excel Manufacturing, Inc. has maintained consistent growth in its manufacturing of parts for the aerospace industry. Excel Manufacturing recently expanded its manufacturing capacity, again through acquisition of new machinery and equipment. Based on a letter of intent, Excel Manufacturing is now requesting approval of an Economic Development Tax Exemption on the newly acquired manufacturing equipment in connection with the expansion project.

Excel Manufacturing, Inc., is a precision manufacturer of high quality machining, fabricated components and assemblies for aerospace and commercial industries. Excel specializes in 3, 4, and 5 axis machining of complex parts. Their high-speed machining centers have capabilities of up to 25,000 rpm of spindle speed. Excel is well known for its machining of detail parts such as bulkheads, wing ribs, floor sections and large monolithic parts. In 1985, Excel began an aggressive move into the development of advanced metal cutting capability, utilizing features such as measuring probes and palletized machining. Excel is a leader of aircraft components and parts with thin walls and cross sections. At Excel, these parts are machined from one piece rather than the conventional metal assemblies. Excel also has sheet metal and assembly capabilities to enhance their presence in the aerospace market. Excel exports its products out of the State of Kansas via customers such as Boeing, Cessna, Raytheon, Bombardier, Sikorsky and AeroFlex.

Excel currently employs 97 employees. As a result of the expansion project, Excel will create 37 new jobs over the next five years, at an average annual salary of \$38,821. The City's Economic Development Incentive Policy requires eligible businesses to pay wages that exceed the lower of the average wage for the Company's type of business or the average of all wages in the Wichita MSA, excluding transportation equipment manufacturing. Excel Manufacturing meets this threshold.

The expansion project is Itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Excel is eligible for the following property tax abatement:

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TAX EXEMPTION ELIGIBILITY

| ELIGIBLE % | INCENTIVE | EXPLANATION |
|------------|-----------|-------------|
|------------|-----------|-------------|

| | | |
|-------|-------------------|---|
| 65.0% | New Job Creation: | Excel will create at least 37 new jobs. |
|-------|-------------------|---|

| | | |
|-------|-----------------------|---|
| 35.0% | Capital Improvements: | Excel will invest at least \$3,402,095. |
|-------|-----------------------|---|

| | | |
|--------|--|--|
| 100.0% | Sub Total Business - Incentive Eligibility (Maximum allowed is 100%) | |
|--------|--|--|

| | | |
|-------|-------------------|---|
| 00.0% | Location Premium: | Excel is not located in the central redevelopment area. |
|-------|-------------------|---|

100.0% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Excel Manufacturing, Inc., is eligible for a 100% tax exemption on new personal property for a five-year term.

The estimated first year taxes on the proposed \$3,402,095 expansion would be \$82,648 on personal property, based on the 2004 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$82,648 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$23,199; County/State - \$22,058; and USD 261 - \$37,389.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

| | |
|-----------------|-------------|
| City of Wichita | 3.35 to one |
| Sedgwick County | 1.69 to one |
| USD 261 | 1.18 to one |
| State of Kansas | 6.55 to one |

The City Attorney's Office has approved the Ordinance as to form. A notice of public hearing has been published.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the public hearing be closed; the Ordinance granting a 100% tax exemption on the identified personal property improvements for a five year term be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Excel Manufacturing, inc., so exempted, introduced and under the rules laid over.

SHARPLINE

PUBLIC HEARING AND TAX EXEMPTION REQUEST, SHARPLINE CONVERTING, INC. (DISTRICT V)

Allen Bell

Director of Economic Development reviewed the Item.

Agenda Report No. 05-0307

Sharpline Converting, Inc. at 1520 S. Tyler in southwest Wichita, was locally formed in 1976. Sharpline Converting designs, develops, markets and manufactures graphic image products. As a result of consistent growth in sales, the company has expanded its manufacturing capacity to include

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construction of a 30,000 square foot building addition and the purchase of machinery and equipment, for a total project cost of \$1,932,987. Prior to undertaking this expansion, the Company notified the City of its intent to request an Economic Development Exemption (EDX) on additional manufacturing space and new equipment.

Sharpline Converting has a very large and diversified product mix. The products range from automotive aftermarket to custom graphics for Original Equipment Manufacturers (OEM) customers. The custom graphics are the largest part of Sharpline's business. These products include graphics for recreational vehicles, boats, aircrafts, and sporting goods. The automotive aftermarket is also a large part of the Company's business. These products include both graphics and roll striping and these are done for over 1,200 customers. The Company has also ventured into three-dimensional graphics and have recently filed a patent on a revolutionary 3D Badging process that will give Sharpline a competitive edge in the 3D market.

Sharpline Converting currently employs 284 employees. The expansion project includes construction of a 30,000 s.f. addition and purchasing new equipment. As a result of the expansion project, Sharpline Converting will create 56 new jobs over the next five years, at an average annual salary of \$30,700. The City's Economic Development Incentive Policy requires businesses to pay salaries that exceed the lower of the average wage for the Company's type of business or the average of all wages in the Wichita MSA excluding transportation equipment manufacturing. Sharpline Converting meets this threshold. Sharpline Converting exports 97% of all production out of the state of Kansas.

The expansion project is Itemized in Exhibit I attached hereto. Under the Economic Development Incentive Policy, Sharpline Converting is eligible for the following:

TAX EXEMPTION ELIGIBILITY

| ELIGIBLE % | INCENTIVE | EXPLANATION |
|------------|--|---|
| 76.0% | New Job Creation: | Sharpline Converting will create at least 56 new jobs at an average wage of \$30,700. |
| 26.5% | Capital Improvements: | Sharpline Converting will invest at least \$1,932,987. |
| 102.5% | Sub Total Business - Incentive Eligibility (Maximum allowed is 100%) | |
| 00.0% | Location Premium: | Sharpline Converting is not located in the central redevelopment area. |

100.0% TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY

Under the Economic Development Incentive Policy, Sharpline Converting is eligible for a 100% tax exemption for a five-year term on real property improvements and new personal property, and 100% exemption on real property improvements only for a second five-year term, subject to Council review.

The estimated first year taxes on the proposed \$1,932,987 expansion would be \$22,265 on real property improvements, and \$27,877 on personal property, based on the 2004 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$50,142 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$14,075; County/State - \$13,382; and USD 259 - \$22,684.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

| | |
|-----------------|-------------|
| City of Wichita | 2.57 to one |
| Sedgwick County | 1.73 to one |
| USD 259 | 1.73 to one |

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State of Kansas 3.47 to one

A notice of public hearing has been published.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be hear and no one appeared.

Motion-- Martz moved that the public hearing be closed; the Ordinance granting a 100% tax exemption on the identified real and personal property improvements for an initial five-year term, plus a 100% exemption, on real property only, for a second five-year period, subject to City Council review be placed on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valor tax exemption; and describing the property of Sharpline Converting, inc. so exempted, introduced and under the rules laid over.

SOCCER ASSOC.

LEASE AGREEMENT BETWEEN THE CITY OF WICHITA, DEPARTMENT OF PARK AND RECREATION AND THE CLYDESDALE SOCCER ASSOCIATION. (DISTRICT I)

Doug Kupper Director of Parks and Recreation reviewed the Item.

Agenda Report No. 05-0308

As a result of findings from the Alternative Revenue Task Force and direction from the City Council, staff has had ongoing talks with the soccer associations regarding the assumption of maintenance duties at City soccer fields by the association in exchange for the City of Wichita not receiving user fees from the soccer associations. Representatives of the Clydesdale Soccer Association met with staff early in 2004 to initiate discussions on a formal lease agreement with the City of Wichita.

In May of 2004, staff began developing a lease agreement and continued to negotiate the terms of the agreement with the Clydesdale Soccer Association. On November 16, 2004, at a City Council work session, staff was directed to address maintenance standards, fees, insurance, nuisance/annoyance issues, and an inventory review in the lease agreement. A lease agreement has been created to the satisfaction of City staff and Clydesdale Soccer Association.

Per City Council recommendations, any funding savings generated from this lease agreement will be used to enhance other grounds maintenance activities within the department.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Schlapp moved that the agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

PARK LIGHTING

PARK LIGHTING.

Doug Kupper Director of Parks and Recreation reviewed the Item.

Agenda Report No. 05-0309

The Park and Recreation Department in coordination with Public Works Department is responsible for ensuring that the City's parks, park facilities, and recreation centers are well-lit to provide for the safety of patrons.

The 2005 Park Capital Improvement Program (CIP) includes \$100,000 for the placement of outdoor lights in new and existing parks and replacement of damaged light fixtures at existing parks, park

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facilities, and recreation centers. Funding will provide for necessary installations and safety improvements at a number of parks and facilities located across the city. Specific sites for improvements include McAdams and Orchard Park Playgrounds, the pathway from the Linwood Recreation Center parking lot to the Swimming Pool/Tennis Court parking lot, replacement fixtures in Central Riverside Park, additional fixtures around Park Villa in North Riverside Park, and additional fixtures in Sycamore Park.

The 2005 Park CIP includes \$100,000 for the construction and replacement of park lighting at City parks, park facilities, and recreation centers. The funding source is general obligation bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the bonding resolution be approved; initiation of the project authorized, and the necessary signatures authorized. Motion carried 7 to 0.

PARK PATHWAYS

PARK PATHWAYS AND SIDEWALKS. (DISTRICT IV)

Doug Kupper

Director of Parks and Recreation reviewed the Item.

Agenda Report No. 05-0310

The Park and Recreation Department is responsible for ensuring that the City's park pathways and sidewalks comply with ADA requirements, meet the requirements of awarded matching grants, and provide for the safety of park users. Neighborhood volunteers, along with the Park and Recreation Department staff, installed and maintained a perimeter woodchip pathway within Wildwood Park, a 10-acre site, in 1998. The wood chipped path does not provide for full accessibility and creates increased maintenance. The neighborhood group and Park staff have targeted conversion of the chipped pathway to pavement for several years.

The 2005 Park Capital Improvement Program (CIP) includes \$40,000 for the construction and repair of paths and sidewalks in City parks. Funding will provide for a paved six-foot-wide concrete pathway, approximately 2,900 feet long, around the perimeter of Wildwood Park.

The 2005 Park CIP includes \$40,000 for the construction and repair of pathways and sidewalks in City parks. The funding source is general obligation bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Gray moved that the bonding resolution be approved; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

BIKE PATH

BIKE PATH ALONG I-135, GYPSUM CREEK AND GEORGE WASHINGTON BOULEVARD, FROM NORTH OF PAWNEE TO THE KANSAS TURNPIKE. (DISTRICT III)

Jim Armour

Acting City Engineer reviewed the Item.

(Council Member Martz momentarily absent)

Agenda Report No. 05-0311

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to construct a bike path along I-135, Gypsum Creek, and George Washington Boulevard, from north of Pawnee to the Kansas Turnpike. District III Advisory Board sponsored a February 2, 2005, neighborhood hearing on the project.

The project consists of nearly 3 miles of 10' wide asphalt bike path, approximately 3,000' of fencing, signage and landscaping. Two design options have been developed:

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Option A: The bike path will be partially located at the north property line of Joyland Amusement Park.

Option B: The bike path will be located in the residential area north of Joyland. Starting on Range Road from Wassall to South Fork Ct.; east on South Fork Ct.; then north on South Fork Ct. to Range Road; then east on Range Road to Hillside; then south on the west side of Hillside to Joyland property.

The District III Advisory Board voted 8-0 to approve design Option A.

The estimated project cost is \$1,040,000 with \$310,000 paid by the City and \$730,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Law Department has approved the authorizing Resolution as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the project with design Option A be approved; the Resolution adopted and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-192

A resolution authorizing the issuance of bonds by the City of Wichita at large to construct a Bike Path along I-135 Freeway, Gypsum Creek and George Washington Boulevard, from north of Pawnee to the Kansas Turnpike (472-84194). Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ASSESS. ORDINANCE CORRECTING ASSESSMENT ORDINANCE: IMPROVING SEDGWICK, ATHENIAN, CHARLES, ST. CLAIR, DELAWARE, 54TH, 56TH, AND 57TH STREETS NORTH. (DISTRICT VI)

Jim Armour

Acting City Engineer reviewed the Item.

Agenda Report No. 05-0312

On March 8, 2005, the City Council approved assessment ordinances for 21 paving projects. It has since been determined that the Ordinance for one of the projects, paving a group of streets located east of Meridian north of 53rd Street North is in error. A side street assessment was inadvertently omitted from some property having a front street assessment.

A revised Ordinance has been prepared to correct the error. Affected property owners have been notified.

The project budget is unchanged.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the public hearing be closed; the proposed assessments approved and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the assessment Ordinance on the date of its introduction, adopt the assessment Ordinance, and authorize the publication thereof. Motion carried 7 to 0.

--carried

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ORDINANCE NO. 46-560

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving Sedgwick, Athenian, Charles, St. Clair, Delaware, 56th Street North and 57th Street North to serve UPN Tracts, Anderson Acres, Leewood Heights Third, Vanview, Leewood Heights, Leewood Heights Second, Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

PETITION

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE AN AREA GENERALLY BOUNDED BY MACARTHUR, SABIN, 37TH STREET SOUTH AND WEST OF BAEHR. (DISTRICT IV)

Jim Armour

Acting City Engineer reviewed the Item.

Agenda Report No. 05-0313

The signatures on the Petition represent 25 of 40 (62.5%) resident owners and 51.59% of the improvement district area. District IV Advisory Board sponsored a March 2, 2005 neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will provide sanitary sewer service to a developed residential area. The area is currently served by private septic tank systems.

The estimated project cost is \$170,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.24 per square foot of property.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Gray moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-193

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 22, Southwest Interceptor Sewer (north of MacArthur, west of West Street) 468-83980, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

FIREFIGHTERS GRNT. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.

Larry Garcia

Fire Chief reviewed the Item.

Agenda Report No. 05-0314

The FY 2005 Defense Authorization Act authorized the federal Department of Homeland Security, Federal Emergency Management Agency (FEMA), to make \$650 million in grants available to fire departments. The programs and associated activities that are eligible for the 2005 grant programs are: Operations and Firefighter Safety Program; and Firefighting Vehicle Acquisition Program. Applicants can apply for only one of the two programmatic areas. However, within the selected programmatic area, applicants can apply for a number of activities. FEMA has announced that the Fire Prevention

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Program, previously included in the Assistance to Firefighters Grant Program, will be handled separately for 2005.

Fire Department Staff has developed a proposed \$255,500 grant application, requesting funding in the Operations and Firefighter Safety Program category. If approved, the grant funds would be used to replace and upgrade breathing air compressors and increase air delivery capabilities. The equipment would enhance the effectiveness of the existing self-contained breathing apparatus (SCBA) used by firefighters during emergency operations. If approved, the grant funds would allow the SCBA's to last longer by providing more air to the firefighters, and the Fire department would be able to purchase additional SCBA's that could be used for people who are trapped or who do not have a safe air supply.

The cost to replace and upgrade the breathing air compressors and increase air delivery capabilities is \$255,500. If approved, the proposed \$255,500 grant application would require a local match of \$51,100, with \$204,400 funded through the Assistance to Firefighters Grant Program. Matching funds are not budgeted in the 2005 Adopted budget.

- Mayor Mayans Mayor Mayans asked where the matching funds were coming from since they were not in the adopted budget.
- Larry Garcia Fire Chief stated that the fire department budget would have to be tapped or there would be some reserve funds that might be used.
- George Kolb City Manager stated that on the Consent Agenda the Council approved last years grant so this would come from the same source of funding, which would be the general fund reserves.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Mayans moved that the grant application be approved; the necessary signatures authorized and the necessary budget transfers to fund the \$51,100 required match from either Fire Department budget savings, or savings in fire department capital improvements approved. Motion carried 7 to 0.
- carried

ANIMAL CARE

WICHITA ANIMAL CARE CAMPUS, CITY AND HUMANE SOCIETY.

Kay Johnson Director of Environmental Services reviewed the Item.

Agenda Report No. 05-0315

On May 18, 2004, the City Council approved a Memorandum of Understanding (MOU) to formally establish a policy directive between the City and Kansas Humane Society (KHS) to initiate steps to study, identify and negotiate various planning and project considerations aimed at reaching an agreement sufficient to enter into a Project Agreement and partnership. Both the City and the KHS had planned construction of new animal shelters to replace aged and inadequate facilities. Discussions to this point have indicated that co-located or shared facilities may yield operational efficiencies, and that coordination of programs will provide enhanced levels of service to the public.

On June 8, 2004, to implement the directives of the MOU, the City Council appropriated funds for \$3.3 million from the 2004-2013 City's Capital Improvement Program (CIP), initiated the project and authorized staff to select a design consultant.

In accordance with Administrative Regulation 1.2a, Contracting for Professional Services, Qualifications Based Selection, proposals were mailed to design firms on September 2, 2004 (FP400094). Six firms responded as follows: Gossen Livingston Architecture, Richard B. Kraybill Architect, Jeff Krehbiel Associates, Law/Kingdon, Inc., Schaefer Johnson Cox Frey, and Wilson Darnell Mann.

On October 28, 2004, the Staff Screening and Selection Committee, which was comprised of City and KHS representatives, convened to review the qualifications of the firms that responded to the proposal.

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The committee selected the firms of Wilson Darnell Mann, Schaefer Johnson Cox Frey and Gossen Livingston to make formal presentations regarding their qualifications and experience.

On November 17, 2004, The Staff Screening and Selection Committee again convened to listen to the formal presentations of the selected firms. The firm of Wilson Darnell Mann was selected as the consultant for this project based on their previous experience with like projects.

On November 18, 2004, the procedures and documentation for the Request for Proposal (FP400094) were reviewed by the City's Internal Auditor and found to be properly followed.

The Contract for the Programming Phase is a single stipulated lump sum fee (including reimbursable expenses) of eighty four thousand one hundred ten dollars (\$84,110.00).

At the agreement of the City and KHS the Contract with Wilson Darnell Mann was only taken through the Programming Phase. At the end of the Programming Phase, the City and KHS will evaluate the possibility of co-locating or sharing facilities. If there is still interest in co-locating or sharing facilities, the City and KHS will negotiate an Agreement to proceed with final design and construction. If at the end of the Programming Phase the data shows there is no way to co-locate or share in facilities each agency will continue on their own to build separate facilities.

The project is authorized in the 2004-2013 Capital Improvement Program (CIP). The CIP includes \$300,000 for design in 2004 and \$3 million for construction in 2005 for a total of \$ 3.3 million. KHS has secured financing for their part through a capital campaign and has matching funds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans It is recommended that the City Council approve the Contract and Letter of Intent and authorize the necessary signatures. Motion carried 7 to 0.

SNAP-IT PROGRAM

REFORMATION OF THE SNAP-IT PROGRAM.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 05-0316

The City of Wichita has used a volunteer force for over a decade to gather information and photographs used to prepare for prosecution cases of accessible parking stall violations throughout the City. Wichita's accessible parking ordinance mirrors state law. When originally established, the program was supervised by the Director of Human Services. The current ordinance still reflects that organizational structure, although the Department of Human Services was abolished over three years ago.

The recently executed settlement agreement of the lawsuit relating to ADA compliance in City facilities and programs obligates the City to abolish the current Snap-It Program, and institute a new program for the same purpose that is under the supervision of the Chief of Police or his designee. Volunteers in the new program will receive appropriate training and adhere to the regulations established by the Wichita Police Department. Those regulations will conform to the detailed requirements set out in the settlement agreement. The result should be a more effective enforcement of the parking accessibility ordinances.

None, as this program will be staffed by volunteers, and transfer of \$1.00 of each fine collected will be used to defray program expenses. The volunteers will be trained and supervised by existing staff.

The Department of Law has proposed the requested changes in the City Code, and drafted the ordinance amendments. The steps outlined above comply with the requirements of the settlement agreement approved by the City Council.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

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Stan Harrison

Mr. Harrison stated that he is currently a volunteer and started as a Snap-It volunteer with the belief that when you broke the law and received a ticket that you accept your responsibilities and pay your fines. Stated that he has since learned that those who have access to the system attempt to make their tickets disappear and if this does not work then they come with their best story and have their ticket dismissed. Stated that those who chose to ignore their tickets can obtain absolution after two years and the statute of limitations runs out. Stated that the almost twelve years that the program has been in existence has been an experience and much progress has been made and truly believes that the Snap-It Program has made a big difference in the availability of accessible handicap parking for those who have afforded the privilege. Stated that some of the altered and fake placards that he has written up over the years have been pretty good fakes. Stated that he has been disheartened to have so many of these dismissed in court especially over the last few months. Stated that the current number of walking access that display expired altered placards being dismissed is appalling and that this practice must change for any portion of this program to be successful.

Don Harden

Mr. Harden stated that he is a volunteer for the Snap-It Program and an ADA Advocate and that the law is written for everyone and not for a few or selective law. Stated that these laws will not be enforced with the mentality of the legal department that exists today. Stated that there has never been any support from the law department since he has been a volunteer with the new program. Asked Mr. Rebenstorf to give the Snap-It volunteers the authority to write tickets and leave them on windshields. Stated that in order for this program to work it needs to be in a different location and not controlled by the law department. Stated that he is asking the Council to reexamine the ordinances that were just passed because there are many holes in it and many conflicting statements within the ordinance. Stated that he does not believe that they can be required to carry a telephone unless the City is going to pay for it and he is curious as to who is going to train him because he has not found anybody in the City that can hold up to him on the ADA.

Unidentified speaker

Stated that she is a proud mother of a disabled child and is the Snap-It Coordinator and received the Citizen of the Year Award in 2004 for her work. Stated that she wished the City would appreciate her half as much. Stated that she also received an award from KAKE On Your Side for her work on coaching handicapped citizens for the last 30 years. Stated that she serves her community by serving on the City of Wichita's Commission and Status of People's Disabilities for 18 years and as President she responded to the community crying out for accessible parking by devising the Snap-It Program and she promised the City Council that it would be an accountable program. Stated that this is the City's special program and if the Council wants them to continue they must allow them to share with the Council the problems that have plagued them and help them resolve them. Stated that the City has never provided the leadership that is required to make it successful and have depended on her to keep it going, which she has but the City staff has thrown roadblocks to every legitimate effort that she has tried to make this program successful. Stated that it appears that the City staff does not want accountability for the program and you cannot have accountability without data, yet you expect your volunteer coordinator to pay \$292.59 for a yearly report that she needs to bring back to the City to tell them where the problems are. Stated that in order for the program to be successful the Council must show commitment to stand behind the program coordinator and its dedicated remaining volunteers and provide the resources and the authority necessary to have full accountability and cooperation from among all City staff.

Cybill Strum

Ms. Strum stated that stated that this is a good organization and that they are just asking for some money and support.

Motion--
--carried

Mayans moved that the ordinance revising the provisions of 11.52.025 of the City Code be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 11.52.025 of the Code of the City of Wichita, Kansas, pertaining to enforcement of handicap parking violations, and repeal of the original Section 11.52.025, introduced and under the rules laid over.

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PLANNING AGENDA

Motion--carried

Mayor Mayans moved to approve the Planning Consent Items as presented. Motion carried 7 to 0.

DED2005-03

DED2005-03-DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED WEST OF OLIVER AND ON THE NORTH SIDE OF CENTRAL AVENUE. (DISTRICT I)

Agenda Report No. 05-0317

MAPC Recommendation: Accept the Dedication. (11-0)

This dedication is associated with a zoning case (ZON 2004-60) and is being dedicated for complete access control along Central Avenue.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

ZON2005-01

ZON2005-01-ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED NORTH OF 13TH STREET AND EAST OF GROVE. (DISTRICT I)

Agenda Report No. 05-0318

MAPC Recommendations: Approve, subject to staff recommendations, (11-0).

MAPD Staff Recommendations: Approve, subject to replatting site.

DAB Recommendations: DAB I, approve, subject to staff recommendations, (10-0)

The applicant requests LC Limited Commercial zoning on a .62-acre site, currently zoned TF-3 Two-family. The proposed use is a grocery store on a redeveloped corner site, north of 13th Street, between Grove and Poplar. The southern 16 feet of the application area is already zoned LC; the proposed grocery store site would include the existing LC and GC zoned lots south of the application area, giving the site access to 13th Street. North of the application area are TF-3 zoned single-family residences and vacant lots. South of the application area, across the alley, are LC and GC vacant commercial properties. East and west of the application area are TF-3 zoned single-family residences, vacant lots and a church parking lot.

At its regular meeting on February 24, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered and approved this request. One residential neighbor spoke at that hearing with concerns regarding building setbacks, dumpster locations and loading dock locations. DAB 1 heard and approved this request on March 7, 2005. Neighbors spoke at this public hearing, again with concerns regarding building setbacks, dumpster locations and loading dock locations. Six protest petitions have been filed against this request, three of which are at least partially within the legal protest area, resulting in a 10.29% legal protest of the application.

Motion--

Mayans moved that the findings of the MAPC be adopted and the zone change subject to the condition of platting within one year be approved and the Planning Department be instructed to place the ordinance on first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

--carried

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VAC2003-00037

VAC2003-00037-REQUEST TO VACATE A PLATTED DRAINAGE EASEMENT, GENERALLY LOCATED NORTHEAST OF THE WEBB ROAD-13TH STREET NORTH INTERSECTION. (DISTRICT II)

Agenda Report No. 05-0319

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant is requesting that a 20-foot wide platted drainage easement be vacated, to allow development on the site. There is a sewer line and an easement that intersects the drainage easement. The platted easement is recorded on Lot 8, Block 1, the Waterfront Addition. The Waterfront Addition was recorded with the Register of Deeds January 24, 2003.

The MAPC voted to approve (11-0) this vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, a dedication of a drainage and utility easement by separate instrument and a dedication of a utility easement by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2004-00013

VAC2004-00013-REQUEST TO VACATE A PLATTED UTILITY EASEMENT, GENERALLY LOCATED MIDWAY BETWEEN 13TH STREET NORTH AND 21ST STREET NORTH, EAST OF WEBB ROAD AT THE WEBB ROAD AND WATERFRONT PARKWAY INTERSECTION. (DISTRICT II)

Agenda Report No. 05-0320

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant proposes vacation of the platted 20-foot utility easement located on the east side of a portion Lot 2, Block 2, The Waterfront Addition. A lot split, approved January 21, 2004, divided Lot 2 into Tracts A & B. The platted easement is located on the east side of Tract B. There are no water or sewer lines in the easement. The applicant has submitted sewer plans for review, and they have been approved. The Waterfront Addition was recorded with the Register of Deeds on January 24, 2003.

Analysis: The MAPC voted to approve (10-0) this vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a dedication by separate instrument of a utility easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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VAC2004-00044

**VAC2004-00044-REQUEST TO VACATE A PLATTED SETBACK, GENERALLY LOCATED
MIDWAY BETWEEN HARRY STREET AND PAWNEE BOULEVARD ON THE EAST SIDE
OF HOOVER ROAD. (DISTRICT IV)**

Agenda Report No. 05-0321

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant is requesting vacation of the platted 35-foot setback on Lot 1, the Snodgrass Addition. The setback runs parallel to the Hoover Street right-of-way. The Unified Zoning Code's standard for a front yard setback in the "LI" Limited Industrial zoning district is 20-feet. The applicant is proposing to replace the platted 35-foot setback with a 20-foot setback. The applicant proposes expansion of the existing building. The Snodgrass Addition was recorded with the Register of Deeds September 11, 1973.

The MAPC voted to approve (11-0) this vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and a contingent dedication of street right-of-way by separate instrument will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

AIRPORT AGENDA

Motion--
--carried

Mayor Mayans moved that the Airport Consent Item be approved as presented. Motion carried 7 to 0.

AIRFIELD PAVEMENT AIRFIELD PAVEMENT, TAXIWAY "N" CONSTRUCTION, WICHITA MID-CONTINENT AIRPORT.

Agenda Report #No. 05-0322

On June 3, 2003 Ritchie Paving, Inc. was awarded the contract for the Taxiway "N" project in the amount of \$7,016,064.70.

Change Order No. 2 has been prepared to address Items incurred during construction.

The change order of \$15,365.12 is within the approved budget and will be paid for with and FAA grant, and Passenger Facility Charges. Total changes are within one and a half percent of the original contract amount.

The change order has been approved by the Law Department and the FAA.

Motion--
--carried

Mayans moved that the change order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Fearey Council Member Fearey requested that Donna Perline be appointed to the Cultural Funding Committee.

Council Member Gray Council Member Gray requested that Kent Sabowsky to the Cultural Funding Committee.

Council Member Martz Council Member Martz requested that Shirley Yonce be appoint to the Access Advisory Board and Roberta Johnson to the Historical Preservation Board.

Council Member Brewer Council Member Brewer requested that Janet Lloyd Williams be appoint to the Cultural Funding Committee.

Mayor Mayans Mayor Mayans requested that Yolanda Orozco be appointed to the Arts Board.

Motion--carried Mayans moved that the appointments be made as recommended. Motion carried 7 to 0.

TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR VICE-MAYOR BREWER FOR SISTER CITIES OFFICIAL VISIT TO ORLEANS, FRANCE.

Motion--carried Mayans moved that the travel expenditures be approved. Motion carried 6 to 1, (Lambke, no).

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 12:10 p.m. to consider: Consultation with Legal Counsel on matters privileged in the Attorney-Client relationship relating to: pending litigation; potential litigation; legal advice and contract negotiations and that the Council return from Executive Session no earlier than 12:40 p.m. and reconvene in the City Council Chambers of City Hall. Motion carried 7 to 0.

RECONVENE

The Council reconvened in the City Council Chambers at 12:40 p.m. and the Mayor announced that no action was taken.

Motion--carried Mayans moved to close the Executive Session at 12:40 p.m. Motion carried 6 to 0, (Lambke absent).

Motion--carried Mayans moved to close the regular meeting at 12:41 p.m. Motion carried 6 to 0, (Lambke absent).

ADJOURNMENT

The meeting was adjourned at 12:41 p.m.

Respectfully submitted,

Karen Sublett
City Clerk

Workshop followed in the First Floor Board Room